

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 26 February 2024
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.31pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr Moo D'Ath
Clr Gillian Boyd
Clr John Kotlash
Clr Serena Copley
Clr Paul Ell – Left meeting 7:11pm (Remotely)
Clr Evan Christen (Remotely)
Clr Patricia White
Clr John Wells - Left meeting 7:27pm
Clr Greg Watson - Left meeting 7:27pm (Remotely)
Clr Mark Kitchener - Left meeting 7:05pm (Remotely)
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

A Leave of Absence was granted for Clr Norris for this meeting at the meeting of Monday 12 February 2024.

RESOLVED (Clr Findley / Clr Kotlash) MIN24.64

That a leave of absence be granted for Clr D'Ath for the next Ordinary Meeting to be held, 11 March 2024.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Wells / Clr White) MIN24.65

That the Minutes of the Ordinary Meeting held on Monday 12 February 2024 be confirmed.

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

AGAINST: Nil

CARRIED

Minutes Confirmed Monday 11 March 2024 – Chairperson

Declaration of Interests

Clr Watson – CL24.55 - Notice of Motion - Calling on Greater Financial Support from the NSW Government for Local Pensioners - significant pecuniary interest declaration – is a senior citizen - will leave the room and will not take part in discussion or vote.

Clr Wells – CL24.55 - Notice of Motion - Calling on Greater Financial Support from the NSW Government for Local Pensioners - significant pecuniary interest declaration – is a senior citizen - will leave the room and will not take part in discussion or vote.

MAYORAL MINUTE

Introduction of Items as Matters of Urgency

RESOLVED (Clr White / Clr Gray)

MIN24.66

That the following addendum reports be introduced as matters of urgency:

1. MM24.5 Mayoral Minute - Recognition of Retirement - Former Sergeant Kevin Henry, Nowra Police

FOR: Clr Findley, Clr D'Ath, Clr Boyd, Clr Kotlash, 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.

MM24.5 Mayoral Minute - Recognition of Retirement - Former Sergeant Kevin Henry, Nowra Police

HPERM Ref: D24/69548

Recommendation

That Council congratulate former Sergeant Kevin Henry of the Shoalhaven Area Command, Nowra Police Station on his retirement, and recognise his dedication and commitment to the Shoalhaven community for the past 35 years.

RESOLVED (Clr Findley / Clr Kotlash)

MIN24.67

That Council congratulate former Sergeant Kevin Henry of the Shoalhaven Area Command, Nowra Police Station on his retirement, and recognise his dedication and commitment to the Shoalhaven community for the past 35 years.

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

AGAINST: Nil

CARRIED

DEPUTATIONS AND PRESENTATIONS

CL24.54 - Notice of Motion - Creation of Asset Protection Zone over Lot 30 DP 1285758, Catalina Place and Lot 29 DP 1282389 Wirraway Boulevard, Badagarang

Mr Jackson Dinnie addressed the meeting to speak FOR the recommendation.

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En block

RESOLVED (Clr White / Clr Gray) MIN24.68

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

- AA24.6 - Additional Item - Proposed Road Closure - Part Comberton Grange Road Comberton - Further Information Required and Report Back - Recommend to Ordinary Meeting 26 February 2024

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En block

RESOLVED (Clr Wells / Clr Copley) MIN24.69

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

- CL24.40 - Investment Report - January 2024

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En block

RESOLVED (Clr White / Clr Copley) MIN24.70

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

- CL24.42 - Nebraska Estate, St Georges Basin - Planning Proposal (PP) Options

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

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

AGAINST: Nil

CARRIED

Procedural Motion – Bring Item Forward

RESOLVED (Clr Findley / Clr D'Ath) MIN24.71

That the matter of item CL24.48 - Exemption to Tender - Coomee Nulunga Boardwalk - Warden Head Ulladulla be brought forward for consideration.

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

AGAINST: Nil

Minutes Confirmed Monday 11 March 2024 – Chairperson

CARRIED

**CL24.48 Exemption to Tender - Coomee Nulunga Boardwalk -
Warden Head Ulladulla**

**HPERM Ref:
D24/54830**

Recommendation

That Council:

1. Approves an exemption from tender in accordance with Section 55(3)(i) & (k) of the Local Government Act 1993, for the supply of boardwalk materials for the Coomee Nulunga Boardwalk located at Warden Headland Ulladulla, noting that a satisfactory result would not be achieved by inviting tenders due to:
 - a. Extenuating circumstances existing due to:
 - i. The current supplier, Sustainable Infrastructure Systems (SIS), are unable to perform the requirements of the contract and the contract is to be terminated.
 - ii. There is insufficient time to Tender the project again due to time constraints on the grant funding and community expectations.
 - iii. Sustainabyt Pty Ltd who are currently contracted to construct (only) the boardwalk has sourced alternative suppliers who have stock available immediately. Their proposed supplier also fabricates the majority of the material in the Australian market so additional supplies, should they be required, can be provided within a short timeframe and would not incur further increase in delays to the project.
 - iv. Ulladulla Local Aboriginal Land Council (ULALC) have committed staff to assist in the construction as part of their training program and this opportunity may be lost if there are further time delays.
2. Authorises the CEO (Director of City Services) to negotiate and enter into a contract with Sustainabyt Pty Ltd for the supply of boardwalk materials for the Coomee Nulunga Boardwalk.

RESOLVED (Clr Findley / Clr D'Ath)

MIN24.72

That this item be withdrawn and dealt with at the next Ordinary Meeting, 11 March 2024 to allow the report to be updated with the corrected information.

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En block

RESOLVED (Clr White / Clr Wells)

MIN24.73

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

- CL24.45 - Proposed Road Closure - Part Buchan Street Mollymook
- CL24.46 - Tenders - Full-Service Pavement Rehabilitation - Yalwal Road, (Ch2.215-3.9km)

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En block

RESOLVED (Clr Wells / Clr White) MIN24.74

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

- CL24.49 - Request for Plaques and Memorials
- CL24.50 - Application for Council Endorsement to Expand the Boundary of the Kangaroo Valley Community Consultative Body

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En block

RESOLVED (Clr Wells / Clr Kotlash) MIN24.75

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

- CL24.51 - Acquisition - 78 Railway Street Bomaderry - Lot 1 DP 203965

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

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

AGAINST: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Gray / Clr White) MIN24.76

That the matter of item CL24.54 - Notice of Motion - Creation of Asset Protection Zone over Lot 30 DP 1285758, Catalina Place and Lot 29 DP 1282389 Wirraway Boulevard, Badagarang be brought forward for consideration.

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

AGAINST: Nil

CARRIED

CL24.54 Notice of Motion - Creation of Asset Protection Zone over Lot 30 DP 1285758, Catalina Place and Lot 29 DP 1282389 Wirraway Boulevard, Badagarang	HPERM Ref: D24/64079
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Note: A deputation was received on this item.

Recommendation

That Council

1. Grant a 10 metre easement for Asset Protection Zone purposes in accordance with the provisions of the Conveyancing Act 1919 over Lot 30 DP 1285758 and Lot 29 DP 1282389 to benefit the following Lots by way of positive covenant:
 - a. Lot 9 DP 1282389

- b. Lot 17 DP 1285758
 - c. Lot 18 DP 1285758
 - d. Lot 27 DP 1285758
 - e. Lot 28 DP 1285758
 - f. Lot 29 DP 1285758
2. Require that landowners of the benefitting Lots indemnify Council against any loss, injury or damages incurred whilst on Council owned land and undertaking the activities defined in the development consent conditions and pay all costs, fees and charges (including legal) associated with the creation of the positive covenant.
 3. Require the owners of the benefitting lots to fund all costs associated with the creation and registration of the asset protection zone.
 4. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common seal of Council of the Council of the City of Shoalhaven to all documentation required to be sealed.
 5. Require all new subdivision plans / applications lodged with Council on and from the date of this resolution to be referred to the NSW Rural Fire Service for the purpose of defining any requirement for the mapping of Asset Protection Zones.

RESOLVED (Clr Wells / Clr White)

MIN24.77

That Council

1. Grant a 10 metre easement for Asset Protection Zone purposes in accordance with the provisions of the Conveyancing Act 1919 over Lot 30 DP 1285758 and Lot 29 DP 1282389 to benefit the following Lots by way of positive covenant:
 - a. Lot 9 DP 1282389
 - b. Lot 17 DP 1285758
 - c. Lot 18 DP 1285758
 - d. Lot 27 DP 1285758
 - e. Lot 28 DP 1285758
 - f. Lot 29 DP 1285758
2. Require that landowners of the benefitting Lots indemnify Council against any loss, injury or damages incurred whilst on Council owned land and undertaking the activities defined in the development consent conditions and pay all costs, fees and charges (including legal) associated with the creation of the positive covenant.
3. Require the owners of the benefitting lots to fund all costs associated with the creation and registration of the asset protection zone.
4. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common seal of Council of the Council of the City of Shoalhaven to all documentation required to be sealed.
5. Require all new subdivision plans / applications lodged with Council on and from the date of this resolution to be referred to the NSW Rural Fire Service for the purpose of defining any requirement for the mapping of Asset Protection Zones.
6. Advocate to the RFS to review the inclusion of grassland and options to allow site specific assessments to address and better define bushfire protection levels on a site by site basis.
7. Review and amend the APZ Policy to include a site specific evaluation where subdivisions have been previously approved, but where the recent inclusion of grasslands has resulted in a

higher BAL rating.

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

AGAINST: Nil

CARRIED

REPORT OF THE HOMELESSNESS ADVISORY COMMITTEE - 1 FEBRUARY 2024

HT24.2 Homelessness Advisory Committee - Reduce Quorum

**HPERM Ref:
D23/520027**

Recommendation

That Council accept and amend the Terms of Reference to reduce quorum to six (6), and the community member requirement to '*one community member*'.

RESOLVED (Clr Findley / Clr Wells)

MIN24.78

That Council

1. Accept and amend the Terms of Reference to reduce quorum to six (6), and the community member requirement to '*one community member*'.
2. Amend part 6 of the Terms of Reference to read as follows: The Committee will be chaired by a nominated community member of the Committee. Mr Peter Dover will continue in the role of chair until the next call meeting in September / October 2024.

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

AGAINST: Nil

CARRIED

REPORT OF THE ABORIGINAL ADVISORY COMMITTEE - 6 FEBRUARY 2024

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

**AA24.6 Additional Item - Proposed Road Closure - Part Comberton Grange Road
Comberton - Further Information Required and Report Back**

RESOLVED* (Clr White / Clr Gray)

MIN24.79

That Council as requested by the Aboriginal Advisory Committee:

1. Request staff to send information on the proposed road closure to the Committee and request the Committee to provide their feedback within 6 weeks on this matter via email or telephone for Council's consideration.
2. Contact the Registered Aboriginal Parties in the Extent report to seek comment.
3. Provide further information to the Committee on any updates on the DA provided by the Department.

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

AGAINST: Nil
CARRIED

REPORTS

CL24.38 Report Back - Question on Notice - Consultants and Contractors **HPERM Ref: D24/1093**

Recommendation

That Council receive the detailed report on Consultants and Contractors in response to CL23.436, Question On Notice from the 27 November 2023 Ordinary Council Meeting.

RESOLVED (Clr Kotlash / Clr Christen) MIN24.80

That Council receive the detailed report on Consultants and Contractors in response to CL23.436, Question On Notice from the 27 November 2023 Ordinary Council Meeting, and incorporate consideration of data provided in the report in the budget process briefings.

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

AGAINST: Nil
CARRIED

CL24.39 Child Safe Strategy and Statement of Commitment to Child Safety **HPERM Ref: D24/23197**

Recommendation

That Council:

1. Endorse the Child Safe Strategy and the Statement of Commitment to Child Safety
2. Subject to the endorsement of the Strategy and Statement, publicly circulate both documents through social media and other public forums as an indication of public commitment and accountability.

RESOLVED (Clr White / Clr Gray) MIN24.81

That Council:

1. Endorse the Child Safe Strategy and the Statement of Commitment to Child Safety
2. Subject to the endorsement of the Strategy and Statement, publicly circulate both documents through social media and other public forums as an indication of public commitment and accountability.

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

AGAINST: Nil
CARRIED

CL24.40 Investment Report - January 2024

**HPERM Ref:
D24/50850**

RESOLVED* (Clr Wells / Clr Copley)

MIN24.82

That Council:

1. Receive the Record of Investments for the period to 31 January 2024.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 4.88% per annum for the month of January 2024, outperforming the benchmark AusBond Bank Bill Index (4.44% pa) by 44 basis points (0.44%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

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

AGAINST: Nil

CARRIED

CL24.41 Budget Strategies and Parameters - 2024/25

**HPERM Ref:
D24/67803**

Recommendation

That Council adopt the following budgeting strategies and guiding economic parameters for the preparation of the initial Draft of the 2024/25 Budget to be considered at future Budget Workshops:

1. Principal budgeting strategies:
 - a. The budget will not result in an unrestricted cash deficit
 - b. Prioritise funding in the following order:
 - i. Provide sufficient funding for all continuing services
 - ii. Continue Council's commitment to asset renewal
 - iii. Continue a program of capital improvements to address historic budget shortfalls
 - c. Maintain or improve Council's financial and asset management performance indicators reported in the annual financial statements
 - d. Maintain an adequate working funds balance
 - e. Minimise carry forwards through substantial completion and long-term planning of the capital works program
2. Economic parameters for budgeting:
 - a. Rates are increased by 4.5%
 - b. User fees and charges are increased by a minimum of 7.5%
 - c. Salaries and wages are increased by 3.5%, plus bonus payable, as per the Local Government (State) Award.
 - d. Superannuation guarantee is to be increased from 11% to 11.5% in line with legislated increases
 - e. Materials and other expenditures increase by 5%
 - f. The capital works program is reduced in order to assist in the management of Council's financial sustainability challenges and to ensure there is no reduction in Council's unrestricted cash balance.

- g. Borrowing for capital works is limited to those projects identified for loan borrowings in the AEC Financial Sustainability Review. No other loan borrowings are to be taken out unless a funding source is identified for the ongoing repayments or principal and interest.
- h. Should the need arise during the year for additional funding, the following options will be considered:
 - i. Internal borrowing opportunities
 - ii. Asset rationalisation
3. Repairs to Council's Road Network be a primary focus of the initial draft of the Capital Works Program.
4. Budget Workshops be scheduled with all Councillors in the preparation of the draft 2024/25 budget which will include consideration of any recommended re-prioritisation of capital works projects listed in the current Delivery Program and Operational Plan.

MOTION (Clr Wells / Clr White)

That Council adopt the following budgeting strategies and guiding economic parameters for the preparation of the initial Draft of the 2024/25 Budget to be considered at future Budget Workshops:

1. Principal budgeting strategies:
 - a. The budget will not result in an unrestricted cash deficit
 - b. Prioritise funding to:
 - i. Provide funding for services specified in Councils Delivery program and operational plan
 - ii. Continue Council's commitment to asset renewal
 - iii. Continue a program of capital improvements to address historic budget shortfalls of asset and capital maintenance.
 - c. Improve Councils' financial and asset management performance indicators required to be reported in the annual financial statements.
 - d. Improve and maintain adequate working funds balance in the unrestricted cash account.
 - e. Minimise carry forwards and revotes through substantial completion and long-term planning of the capital works program.
2. Economic parameters for budgeting management:
 - a. General fund Rates are increased by 4.5%
 - b. General fund fees and charges increased by 7.5% or in certain cases more.
 - c. Salaries and wages are increased in accordance with the Local Government State Award being 3.5% plus bonus. Council consider maintaining the budget allocation for wages and salaries at the 2023/24 budget level.
 - d. Superannuation guarantee payments are increased from 11% to 11.5%
 - e. Materials and other procurement costs increase by 5%
 - f. The General Fund capital works program be of a scale which is both deliverable and assists Councils financial sustainability and ensuring the adequacy of Councils unrestricted cash balance.
 - g. Borrowing for General Fund capital works be limited to those projects identified for loan borrowings in the AEC Review with any other 2024/25 borrowings strictly subject to a repayment funding source for principal and interest being identified.
 - h. Projects identified in the AEC Review as being eligible for or requiring loan funding be reviewed or re-scoped as a matter of priority with a view to reducing the reliance on

borrowings. Any loan borrowing savings identified through this process be deducted from General Funds overall loan liability.

- i. Should the need arise during the year for additional funding, the following options may be considered:
 - i. Internal borrowing opportunities
 - ii. Asset rationalisation
 - iii. Savings achieved in budget delivery
 - iv. Community sourced funding
 - v. unrestricted grant funding
 - j. Maintenance of Council's road system to an acceptable level be the primary focus of the draft General Fund Capital works program.
 - k. Council proceed forthwith to dispose of as many assets determined by Council to be surplus to requirements or having no strategic purpose with the proceeds of sales being dedicated to in priority order: -
 - i. debt reduction
 - ii. maintenance of an acceptable unrestricted cash amount.
 - l. Council determine at the earliest possible time a program of service level reviews, identified as necessary by the AEC review, with a view to delivering service and program efficiencies and financial savings.
3. Budget Workshops be scheduled with all Councillors in the preparation of the draft 2024/25 budget which will include consideration of any recommended re-prioritisation of capital works projects listed in the current Delivery Program and Operational Plan.

RESOLVED (AMENDMENT) (Clr Findley / Clr Gray)

MIN24.83

That Council adopt the following budgeting strategies and guiding economic parameters for the preparation of the initial Draft of the 2024/25 Budget to be considered at future Budget Workshops:

1. Principal budgeting strategies:
 - a. The budget will not result in an unrestricted cash deficit
 - b. Prioritise funding to:
 - i. Provide funding for services specified in Councils Delivery program and operational plan
 - ii. Continue Council's commitment to asset renewal
 - iii. Continue a program of capital improvements to address historic budget shortfalls of asset and capital maintenance.
 - c. Improve Councils' financial and asset management performance indicators required to be reported in the annual financial statements.
 - d. Improve and maintain adequate working funds balance in the unrestricted cash account.
 - e. Minimise carry forwards and revotes through substantial completion and long-term planning of the capital works program.
2. Economic parameters for budgeting management:
 - a. General fund Rates are increased by 4.5%
 - b. General fund fees and charges increased by 7.5% or in certain cases more.
 - c. Salaries and wages are increased by 3.5%, plus bonus payable, as per the Local

Government (State) Award.

- d. Superannuation guarantee payments are increased from 11% to 11.5%
 - e. Materials and other procurement costs increase by 5%
 - f. The General Fund capital works program be of a scale which is both deliverable and assists Councils financial sustainability and ensuring the adequacy of Councils unrestricted cash balance.
 - g. Borrowing for General Fund capital works be limited to those projects identified for loan borrowings in the AEC Review with any other 2024/25 borrowings strictly subject to a repayment funding source for principal and interest being identified.
 - h. Projects identified in the AEC Review as being eligible for or requiring loan funding be reviewed or re-scoped as a matter of priority with a view to reducing the reliance on borrowings. Any loan borrowing savings identified through this process be deducted from General Funds overall loan liability.
 - i. Should the need arise during the year for additional funding, the following options may be considered:
 - i. Internal borrowing opportunities
 - ii. Asset rationalisation
 - iii. Savings achieved in budget delivery
 - iv. Community sourced funding
 - v. unrestricted grant funding
 - j. Maintenance of Council's road system to an acceptable level be the primary focus of the draft General Fund Capital works program.
 - k. Council proceed forthwith to dispose of as many assets determined by Council to be surplus to requirements or having no strategic purpose with the proceeds of sales being dedicated to in priority order: -
 - i. debt reduction
 - ii. maintenance of an acceptable unrestricted cash amount.
 - l. Council determine at the earliest possible time a program of service level reviews, identified as necessary by the AEC review, with a view to delivering service and program efficiencies and financial savings.
3. Budget Workshops be scheduled with all Councillors in the preparation of the draft 2024/25 budget which will include consideration of any recommended re-prioritisation of capital works projects listed in the current Delivery Program and Operational Plan.

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

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

CARRIED on the CASTING VOTE of the Chair

The AMENDMENT upon becoming the MOTION was declared CARRIED

PROCEDURAL MOTION - REINTRODUCTION OF ITEM (Clr Wells / Clr White) MIN24.84

That CL24.41 - Budget Strategies and Parameters - 2024/25 be reintroduced for discussion to allow for a further amendment prior to resolution.

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

AGAINST: Nil

CARRIED

Minutes Confirmed Monday 11 March 2024 – Chairperson

RESOLVED (FURTHER AMENDMENT) (Clr Wells / Clr White)

MIN24.85

That Council adopt the following budgeting strategies and guiding economic parameters for the preparation of the initial Draft of the 2024/25 Budget to be considered at future Budget Workshops:

1. Principal budgeting strategies:
 - a. The budget will not result in an unrestricted cash deficit
 - b. Prioritise funding to:
 - i. Provide funding for services specified in Councils Delivery program and operational plan
 - ii. Continue Council's commitment to asset renewal
 - iii. Continue a program of capital improvements to address historic budget shortfalls of asset and capital maintenance.
 - c. Improve Councils' financial and asset management performance indicators required to be reported in the annual financial statements.
 - d. Improve and maintain adequate working funds balance in the unrestricted cash account.
 - e. Minimise carry forwards and revotes through substantial completion and long-term planning of the capital works program.
2. Economic parameters for budgeting management:
 - a. General fund Rates are increased by 4.5%
 - b. General fund fees and charges increased by 7.5% or in certain cases more.
 - c. Salaries and wages are increased by 3.5%, plus bonus payable, as per the Local Government (State) Award.
 - d. Superannuation guarantee payments are increased from 11% to 11.5%
 - e. Materials and other procurement costs increase by 5%
 - f. The General Fund capital works program be of a scale which is both deliverable and assists Councils financial sustainability and ensuring the adequacy of Councils unrestricted cash balance.
 - g. Borrowing for General Fund capital works be limited to those projects identified for loan borrowings in the AEC Review with any other 2024/25 borrowings strictly subject to a repayment funding source for principal and interest being identified.
 - h. Projects identified in the AEC Review as being eligible for or requiring loan funding be reviewed or re-scoped as a matter of priority with a view to reducing the reliance on borrowings. Any loan borrowing savings identified through this process be deducted from General Funds overall loan liability.
 - i. Should the need arise during the year for additional funding, the following options may be considered:
 - i. Internal borrowing opportunities
 - ii. Savings achieved in budget delivery
 - iii. Community sourced funding
 - iv. unrestricted grant funding
 - j. Maintenance of Council's road system to an acceptable level be the primary focus of the draft General Fund Capital works program.
 - k. Council proceed forthwith to dispose of as many assets determined by Council to be surplus to requirements or having no strategic purpose with the proceeds of sales being

dedicated to in priority order: -

- i. debt reduction
- ii. maintenance of an acceptable unrestricted cash amount.

- l. Council determine at the earliest possible time a program of service level reviews, identified as necessary by the AEC review, with a view to delivering service and program efficiencies and financial savings.

- 3. Budget Workshops be scheduled with all Councillors in the preparation of the draft 2024/25 budget which will include consideration of any recommended re-prioritisation of capital works projects listed in the current Delivery Program and Operational Plan.

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

AGAINST: Nil

CARRIED

CL24.42 Nebraska Estate, St Georges Basin - Planning Proposal (PP) Options	HPERM Ref: D23/496054
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RESOLVED* (Clr White / Clr Copley) MIN24.86

That Council:

- 1. Update the Nebraska Estate Planning Proposal (PP) based on Option 3.1 as outlined in this report, noting that timing will also depend on workloads generated by proponent-initiated PPs.
- 2. Submit the updated PP to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway determination.
- 3. Subject to receiving a favourable Gateway determination from DPHI, exhibit the PP package.
- 4. Prepare a draft site-specific chapter (Chapter N9 - Nebraska Estate) for inclusion in the Shoalhaven Development Control Plan (DCP) 2014, acknowledging that staff resources available to work on this project will depend on workloads associated with proponent-initiated PP's and other strategic planning priorities.

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

AGAINST: Nil

CARRIED

CL24.43 Shoalhaven River Festival 2023 Review	HPERM Ref: D24/31424
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Recommendation

That Council:

- 1. Thank the past and present Shoalhaven River Festival Committee members for the work and commitment they have shown in running the festival over the past decade and reaffirm the importance of the River Festival to the activation of the riverfront.
- 2. Recognise that Council offers existing and well established funding opportunities for community events through the Community Donations Program and encourage the Shoalhaven River Festival to apply for funding through this program.
- 3. Discontinue the annual non-competitive funding for the River Festival, recognising this will bring the River Festival support in line with all other community events in the city.

4. Transition the event to a non-council entity, in-line with other community-based events in Shoalhaven and disband the 355 Committee called the “Shoalhaven River Festival”.

RESOLVED (Clr White / Clr Kotlash)

MIN24.87

That Council:

1. Thank the past and present Shoalhaven River Festival Committee members for the work and commitment they have shown in running the festival over the past decade and reaffirm the importance of the River Festival to the activation of the riverfront.
2. Recognise that Council offers existing and well established funding opportunities for community events through the Community Donations Program and encourage the Shoalhaven River Festival to apply for funding through this program.
3. Discontinue the annual non-competitive funding for the River Festival, recognising this will bring the River Festival support in line with all other community events in the city.
4. Transition the event to a non-council entity, in-line with other community-based events in Shoalhaven and disband the 355 Committee called the “Shoalhaven River Festival”.

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

AGAINST: Nil

CARRIED

CL24.44 Australian Liveability Census 2023 - Final Reports

**HPERM Ref:
D24/48560**

Recommendation

That Council

1. Receive and note the results for Shoalhaven City in the 2023 Australian Liveability Census.
2. Note the potential opportunity to utilise the Liveability metrics in Council’s future Integrated Planning & Reporting evaluation framework.

RESOLVED (Clr White / Clr Gray)

MIN24.88

That Council

1. Receive and note the results for Shoalhaven City in the 2023 Australian Liveability Census.
2. Note the potential opportunity to utilise the Liveability metrics in Council’s future Integrated Planning & Reporting evaluation framework.

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

AGAINST: Nil

CARRIED

CL24.45 Proposed Road Closure - Part Buchan Street Mollymook

**HPERM Ref:
D23/487485**

RESOLVED* (Clr White / Clr Wells)

MIN24.89

That Council:

1. Resolves to close approximately 535sqm, subject to final survey, of unformed road reserve known as Buchan Street, Mollymook, shown in red on Attachment 1 (D23/500630) by notice published in the Government Gazette;

2. Authorises the sale of the closed road to the registered proprietor of the adjoining property being Lots 1 to 3 DP 33065 for \$195,000 plus GST (if applicable);
3. Requires the proceeds from the sale to be allocated to the Property Reserve;
4. Requires that the portion comprised in the road closure be consolidated into Lots 1 to 3 DP 33065;
5. Requires that all costs associated with the road closure, sale and consolidation to be borne by the registered proprietor of Lots 1 to 3 DP 33065;
6. Delegates authority to the Chief Executive Officer (or her delegate) to make minor adjustments to the purchase price, if necessary, relative to the area determined by final survey;
7. Ensures an easement for overhead powerlines 9 wide has been created in favour of Endeavor Energy or the existing easement relocated by the developer, authorises the Chief Executive Officer (Director City Services) 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 D'Ath, Clr Boyd, Clr Kotlash, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL24.46 Tenders - Full-Service Pavement Rehabilitation - Yalwal Road, (Ch2.215-3.9km)	HPERM Ref: D24/35722
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RESOLVED* (Clr White / Clr Wells) MIN24.90

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

AGAINST: Nil

CARRIED

CL24.47 Public Amenities Cleaning - External Contractor Review	HPERM Ref: D24/47147
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Note: Clr Kitchener left the meeting, the time being 7:05pm

Recommendation

That Council receive the report regarding the Public Amenities Cleaning – External Contractor Review for information.

RESOLVED (Clr Gray / Clr White) MIN24.91

That Council receive the report regarding the Public Amenities Cleaning – External Contractor Review for information.

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

AGAINST: Nil

CARRIED

**CL24.48 Exemption to Tender - Coomee Nulunga Boardwalk -
Warden Head Ulladulla**

**HPERM REF:
D24/54830**

Item dealt with earlier in the meeting see MIN24.72

CL24.49 Request for Plaques and Memorials

**HPERM Ref:
D23/507678**

RESOLVED* (Clr Wells / Clr White)

MIN24.92

That Council as per the Plaques and Memorials Policy (POL22/57);

1. Approve the request for a memorial seat and installation of a memorial plaque at Berrara Creek Reserve, Berrara.
2. Approve the request for a memorial plaque installation on the viewing platform handrail at Warrain Crescent, Currarong.
3. Approve the request for a memorial seat and installation of a memorial plaque at Shoalhaven Heads Road, Shoalhaven Heads.
4. Advise the applicants on Council's determination of the requests.

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

AGAINST: Nil

CARRIED

**CL24.50 Application for Council Endorsement to Expand the
Boundary of the Kangaroo Valley Community
Consultative Body**

**HPERM Ref:
D24/18944**

RESOLVED* (Clr Wells / Clr White)

MIN24.93

That Council:

1. Support in principle the application from Kangaroo Valley Community Consultative Body to expand the coverage of their current boundary to cover a wider area.
2. Advertise the proposal for public comment.
3. In considering public comment,
 - a. if no significant adverse feedback is received, accept the Kangaroo Valley Community Consultative Body boundary change and staff advise the community group accordingly.
 - b. if significant feedback is received, staff will submit a report to Council for final determination of the Kangaroo Valley Community Consultative Body boundary.

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

AGAINST: Nil

CARRIED

**CL24.51 Acquisition - 78 Railway Street Bomaderry - Lot 1 DP
203965**

**HPERM Ref:
D24/50092**

RESOLVED* (Clr Wells / Clr Kotlash)

MIN24.94

That Council consider a separate confidential report in accordance with Section 10A(2)(c) of the Local Government Act 1993 in relation to the proposed acquisition of the Railway Street property.

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL24.52 Notice of Motion - Bomaderry Lions - Storage Access -
Thurgate Oval Bomaderry**

**HPERM Ref:
D24/57701**

Note: Clr Ell left the meeting, the time being 7:11pm

Recommendation

That Council receive a full report on the Bomaderry Lions proposal for storage access at Thurgate Oval.

RESOLVED (Clr Copley / Clr White)

MIN24.95

That Council receive a full report on the Bomaderry Lions proposal for storage access at Thurgate Oval.

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

AGAINST: Nil

CARRIED

**CL24.53 Notice of Motion - Shoalhaven Cancer Care Centre -
Operational Funding**

**HPERM Ref:
D24/60436**

Recommendation

That Council make urgent representations through the State Member for Kiama and the State Member for South Coast to the New South Wales Minister for Health requesting an increase in recurrent funding, particularly in respect of funding for Cancer Specialists.

RESOLVED (Clr Watson / Clr Wells)

MIN24.96

That Council make urgent representations through the State Member for Kiama and the State Member for South Coast to the New South Wales Minister for Health requesting an increase in recurrent funding, particularly in respect of funding for Cancer Specialists.

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

AGAINST: Nil

CARRIED

**CL24.54 Notice of Motion - Creation of Asset Protection Zone
Over Lot 30 DP 1285758, Catalina Place and Lot 29 DP
1282389 Wirraway Boulevard, Badagarang**

**HPERM REF:
D24/64079**

Item dealt with earlier in the meeting see MIN24.77

ADDENDUM REPORTS

**MM24.5 Mayoral Minute - Recognition of Retirement - Former
Sergeant Kevin Henry, Nowra Police**

**HPERM REF:
D24/69548**

Item dealt with earlier in the meeting see MIN24.67

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 Watson / Clr Kotlash)

MIN24.97

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.

CCL24.4 Tenders - Full-Service Pavement Rehabilitation - Yalwal Road, (Ch2.215-3.9km)

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.

CCL24.5 Acquisition - 78 Railway Street Bomaderry - Lot 1 DP 203965

Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)

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.

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

AGAINST: Nil

CARRIED

The meeting moved into confidential, the time being 7:19pm.

The meeting moved into open session, the time being 7:26pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL24.4 Tenders - Full-Service Pavement Rehabilitation - Yalwal Road, (Ch2.215-3.9km)	HPERM Ref: D24/35733
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RESOLVED	MIN24.98C
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That Council:

1. In accordance with Section 178(1)(b) of the regulations Council decline to accept any Tender for *Full-Service Pavement Rehabilitation – Yalwal Road, Chainage 2.215km to 3.9km* as there are insufficient funds in the project budget to cover the contract amount and other project costs.
2. In accordance with Clause 178(3)(e) enter into negotiations with Cleary Bros (Bombo) Pty Ltd, or any other contractor as needed/appropriate, for *Full-Service Pavement Rehabilitation – Yalwal Road, Chainage 2.215km to 3.9km* for the following reasons:
 - a. The sourcing strategy was a public request for tender which was live for three weeks and received seven tenders, so it is unlikely that inviting fresh tenders would result in any further submissions being received.
 - b. Cleary Bros (Bombo) Pty Ltd have been identified as the highest scoring tenderer by the tender evaluation team.
 - c. There would appear to be opportunities to reduce the cost through reduction of scope.
3. Delegate the authority to the CEO (Director City Services) to execute all documents on Council’s behalf in relation to any contract formed as a result of the above to enable the work to commence.

CARRIED

CCL24.5 Acquisition - 78 Railway Street Bomaderry - Lot 1 DP 203965	HPERM Ref: D24/51157
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RESOLVED	MIN24.99C
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That Council

1. Acquire by agreement Lot 1 DP 203965, 78 Railway Street Bomaderry.
2. Delegate authority to the Chief Executive Officer (Executive Manager – Shoalhaven Water) to adjust the purchase price, if necessary, in accordance with settlement figures determined by Council’s solicitor.
3. Fund all costs associated with the purchase from Council’s Sewer Fund.
4. Authorises the Chief Executive Officer to sign all documentation required to give effect to this resolution and affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

CARRIED

CL24.55 Notice of Motion - Calling on Greater Financial Support from the NSW Government for Local Pensioners	HPERM Ref: D24/66649
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Clr Watson – significant pecuniary interest declaration – is a senior citizen - left the room the time being 7:27pm and did not take part in discussion or vote and did not return to the meeting.

Clr Wells – significant pecuniary interest declaration – is a senior citizen - left the room the time being 7:27pm and did not take part in discussion or vote and did not return to the meeting.

Recommendation

That Shoalhaven City Council

1. Acknowledge the need to provide additional financial support to seniors and pensioners across the community, particularly during the cost of living challenge currently facing those across the Shoalhaven;
2. Acknowledge local councils, including Shoalhaven City Council which currently meet 45 per cent of the total cost of pensioner concession rebates available through Service NSW;
3. Acknowledge the New South Wales State Government has not increased its proportion of the Pensioner Concession Rebate for more than a decade;
4. Calls on the New South Wales Government to immediately
 - a. double the Pensioner Concession Rebate from \$250 to \$500 per annum
 - b. double the annual water rates and charges rebate from \$87.50 to \$175,
 - c. to meet the entire cost of the increase from NSW Treasury
5. Writes to the State Member for Kiama and the State Member for South Coast seeking their support for Council's position

RESOLVED (Clr Copley / Clr Findley)

MIN24.100

That Shoalhaven City Council

1. Acknowledge the need to provide additional financial support to seniors and pensioners across the community, particularly during the cost of living challenge currently facing those across the Shoalhaven;
2. Acknowledge local councils, including Shoalhaven City Council which currently meet 45 per cent of the total cost of pensioner concession rebates available through Service NSW;
3. Acknowledge the New South Wales State Government has not increased its proportion of the Pensioner Concession Rebate for more than a decade;
4. Calls on the New South Wales Government to immediately
 - a. double the Pensioner Concession Rebate from \$250 to \$500 per annum
 - b. double the annual water rates and charges rebate from \$87.50 to \$175,
 - c. to meet the entire cost of the increase from NSW Treasury
5. Writes to the State Member for Kiama and the State Member for South Coast seeking their support for Council's position
6. Write to the Federal Member and Commonwealth Treasurer to consider Commonwealth assistance via Centrelink for recipients struggling to pay rates.

FOR: Clr Findley, Clr D'Ath, Clr Boyd, Clr Copley, Clr Christen, Clr White and Clr Gray

AGAINST: Clr Kotlash

CARRIED

There being no further business, the meeting concluded, the time being 7:42pm.

Clr Findley
CHAIRPERSON

Minutes Confirmed Monday 11 March 2024 – Chairperson