

## MINUTES OF THE ORDINARY MEETING

**Meeting Date:** Monday, 20 May 2024  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

The following members were present:

Clr Matthew Norris – Chairperson  
Clr Moo D'Ath  
Clr Gillian Boyd  
Clr John Kotlash  
Clr Serena Copley  
Clr Paul Ell  
Clr Patricia White  
Clr John Wells  
Clr Greg Watson (Remotely) – Left at 7.39pm  
Clr Mark Kitchener  
Clr Tonia Gray

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

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

### Apologies / Leave of Absence

Note: A Leave of absence was granted for Clr Findley for this meeting, at the Ordinary Meeting 6 May 2024.

An apology was received from Clr Christen.

### Confirmation of the Minutes

**RESOLVED** (Clr White / Clr Wells) MIN24.262

That the Minutes of the Ordinary Meeting held on Monday 06 May 2024 be confirmed.

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

AGAINST: Nil

CARRIED

Minutes Confirmed Monday 3 June 2024 – Chairperson.....

## Declaration of Interests

Nil

## Procedural Motion – Introduce Addendum Mayoral Minute Item

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

MIN24.263

That Council introduce the following addendum Mayoral Minute, allowing it to be dealt with prior to the deputations in accordance with standard meeting procedure.

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

AGAINST: Nil

CARRIED

## MAYORAL MINUTE

**MM24.18 Mayoral Minute - Condolence Motion - Mayor of Blacktown City, Councillor Tony Bleasdale OAM.**

**HPERM Ref: D24/203846**

### Recommendation

That Council notes the passing of former Blacktown City Council Mayor Tony Bleasdale OAM, and writes to the Bleasdale family and Blacktown City Council to express Council's sincere condolences.

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

MIN24.264

That Council notes the passing of former Blacktown City Council Mayor Tony Bleasdale OAM, and writes to the Bleasdale family and Blacktown City Council to express Council's sincere condolences.

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

AGAINST: Nil

CARRIED

## DEPUTATIONS AND PRESENTATIONS

### CL24.141 - New Proponent Initiated Planning Proposal - 131 St Vincent Street, Ulladulla - Initial Consideration

Ms Sophie Quinn addressed the meeting to speak AGAINST the recommendation.

### CL24.142 - New Land Use Planning Scheme (Stage 1): Strategic Growth Principles and Affordable Housing Strategy - Community Engagement.

Ms Dianne Brumpton addressed the meeting to speak AGAINST the recommendation.

### CL24.151 - Shorebird Park – Shoalhaven Heads – Informal Renaming of Reserve 'Rex Worrell Shorebird Park'

Mr Richard Worrell addressed the meeting to speak FOR the recommendation.

## CALL OVER OF THE BUSINESS PAPER

### Call Over of Business Paper - En block – City Performance

**RESOLVED** (Clr Kotlash / Clr Wells) MIN24.265

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

- CL24.138 - Ongoing Register of Pecuniary Interest Returns - April 2024

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

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

AGAINST: Nil

CARRIED

### Call Over of Business Paper - En block – City Services

**RESOLVED** (Clr White / Clr Gray) MIN24.266

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

- CL24.143 - Assignment of Lease - Airspace Morisons Arcade - 105 Junction Street, Nowra
- CL24.144 - Consideration to Sell Council Owned Property
- CL24.145 - Tenders - Road Pavement Repairs - Various Sections between Chainage 180m and Chainage 52000m, Braidwood Road, Yerriyong

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

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

AGAINST: Nil

CARRIED

### Call Over of Business Paper - En block – City Development

**RESOLVED** (Clr Kotlash / Clr White) MIN24.267

That the following item from City Development Directorate be resolved en block:

- CL24.146 - Report - Quarterly Review for Compliance Matters

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

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

AGAINST: Nil

CARRIED

### Call Over of Business Paper - En block – City Lifestyles

**RESOLVED** (Clr White / Clr Wells)

MIN24.268

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

- CL24.147 - Interim Report - Community Infrastructure Strategic Plan – Methodology
- CL24.148 - Conjola Park - Best Practice Approach to Establishing a Memorial Outcome
- CL24.149 - Bay & Basin Leisure Centre - Outcome of Engagement Activity
- CL24.150 - Request for Plaques and Memorials
- CL24.152 - Membership Appointment for Inclusion and Access Advisory Committee

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

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

AGAINST: Nil

CARRIED

### Call Over of Business Paper - En block – Shoalhaven Water

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

MIN24.269

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

- CL24.153 - Payment of Shoalhaven Water Dividend 2022-2023 Financial Year Results
- CL24.154 - Tenders - South Nowra Surcharge Main - New SPS20 & Overflow Structures

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

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

AGAINST: Nil

CARRIED

## REPORTS

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

**CL24.138 Ongoing Register of Pecuniary Interest Returns - April 2024**

**HPERM Ref: D24/137585**

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

MIN24.270

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 April to 30 April 2024 be received for information.

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

AGAINST: Nil

CARRIED

**CL24.139 Business Case - Portable Defibrillators - CellaED**

**HPERM Ref:  
D24/155931**

**Recommendation**

That Council retain existing defibrillator arrangements and continue to share information on CellaED for future purchase consideration.

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

MIN24.271

That Council retain existing defibrillator arrangements and continue to share information on CellaED for future purchase consideration.

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

AGAINST: Nil

CARRIED

**CL24.140 Policy - Town Entry Street Tree Planting Strategy**

**HPERM Ref:  
D24/154915**

**Recommendation**

That Council retain the Town Entry Street Tree Planting Strategy and adopt the proposed amendments shown in Attachment 1.

**RESOLVED** (Clr Wells / Clr Copley)

MIN24.272

That Council retain the Town Entry Street Tree Planting Strategy and adopt the proposed amendments shown in Attachment 1 subject to review of the Bolong Rd entry treatment for the Bomaderry township.

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

AGAINST: Nil

CARRIED

**CL24.141 New Proponent Initiated Planning Proposal - 131 St  
Vincent Street, Ulladulla - Initial Consideration**

**HPERM Ref:  
D24/139676**

Note: A Deputation was received on this item.

**Recommendation**

That Council:

1. Not support the Planning Proposal (PP-2024-109) due to the range of strategic and site merit issues outlined in this report, including:
  - a. Land use conflict and potential health implications of locating residential and childcare centre uses next to industrial land uses.
  - b. Potential impacts on the viability and vitality of the existing Ulladulla town centre.
  - c. The need to protect and manage industrial land supply in the Milton Ulladulla area.
  - d. Impacts of the proposed height increase on local amenity and character also noting that additional building heights and floor space ratio bonuses recently introduced by the Department of Housing, Planning and Infrastructure may enable an increase in height and developable area of 20-30% if the proposed development complies with the minimum affordable housing floor space requirements.

2. Not submit the proponents Planning Proposal document to the NSW Department of Planning, Housing and Infrastructure (DPHI).
3. Consider the future of the site and the precinct as part of the broader strategic review to be undertaken in Stage 2 of the New Land Use Planning Scheme in consultation with the proponent and relevant stakeholders.

**RESOLVED** (Clr Wells / Clr Ell)

MIN24.273

That Council support Planning Proposal (PP-2024-109) 'in principle' and subject to:

1. The inclusion of a recommendation for Gateway condition to complete an independent review of the proponent's key studies, including:
  - a. Urban Design and Visual Impact Assessment
  - b. Economic Impact Assessment
  - c. Feasibility Assessment
  - d. Air and Odour Assessment
  - e. Acoustic Assessment
2. Modification of the maximum height of the building in accordance with the Proponent's offer of 5 April 2024, by adopting a split height of 15m, 17m and 21m under Clause 4.3 of the SLEP 2014
3. Consideration of options to amend the proposal to minimise health risks and land use conflict.
4. Detailed vacancy analysis of the existing town centre to determine if there is a need for additional mixed use-zoned land.
5. Creating a more detailed 3D model of the surrounding landscape and built form to enable the visual impacts to be better assessed.
6. All costs associated with the above to be met by the proponents in accordance with Council's Guideline for Proponent Initiated Planning Proposals (PPs).

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

AGAINST: Clr Boyd and Clr Kitchener

CARRIED

**CL24.142 New Land Use Planning Scheme (Stage 1): Strategic Growth Principles and Affordable Housing Strategy - Community Engagement**

**HPERM Ref: D24/156287**

Note: A Deputation was received on this item.

### Recommendation

That Council:

1. Endorse the draft Strategic Growth Principles (**Attachment 1**) and the draft Affordable Housing Strategy (**Attachment 2**) for public exhibition. Note: Staff will finalise the draft Strategy prior to exhibition, including only minor changes that do not significantly change or alter the intent of the draft.
2. Exhibit the draft Principles and draft Strategy for a minimum of 28-days.
3. Notify Shoalhaven's communities, Community Consultative Bodies, Local Aboriginal Land Councils, and other relevant stakeholders/interest groups of the opportunity to provide feedback on the draft Principles and draft Strategy.

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4. Receive a further report on the outcomes of the public exhibition and any recommended work required to finalise both documents.

**RESOLVED** (Clr White / Clr Wells)

MIN24.274

That Council:

1. Endorse the draft Strategic Growth Principles (**Attachment 1**) and the draft Affordable Housing Strategy (**Attachment 2**) for public exhibition. Note: Staff will finalise the draft Strategy prior to exhibition, including only minor changes that do not significantly change or alter the intent of the draft.
2. Exhibit the draft Principles and draft Strategy for a minimum of 28-days.
3. Notify Shoalhaven's communities, Community Consultative Bodies, Local Aboriginal Land Councils, and other relevant stakeholders/interest groups of the opportunity to provide feedback on the draft Principles and draft Strategy.
4. Receive a further report on the outcomes of the public exhibition and any recommended work required to finalise both documents.

FOR: Clr D'Ath, Clr Boyd, Clr Norris, Clr Kotlash, 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'.**

**CL24.143 Assignment of Lease - Airspace Morisons Arcade - 105  
Junction Street, Nowra**

**HPERM Ref:  
D24/131870**

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

MIN24.275

That Council

1. Authorise the execution of the Deed of Consent and Assignment of Lease for the Airspace in Morisons Arcade, 105 Junction Street, Nowra from F M Morison Pty Ltd to Slobodan Tancev; and
2. Authorise the Chief Executive Officer to sign all documentation required to give effect to this resolution and to affix the Common Seal of the City of Shoalhaven to all documentation required to be sealed.

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

AGAINST: Nil

CARRIED

**CL24.144 Consideration to Sell Council Owned Property**

**HPERM Ref:  
D24/194892**

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

MIN24.276

That Council consider a separate confidential report in accordance with Section 10A(2)(c) of the Local Government Act 1993.

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

AGAINST: Nil

CARRIED

**CL24.145 Tenders - Road Pavement Repairs - Various Sections between Chainage 180m and Chainage 52000m, Braidwood Road, Yerriyong.** **HPERM Ref: D24/166560**

**RESOLVED\*** (Clr White / Clr Gray) MIN24.277

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

FOR: Clr D'Ath, Clr Boyd, Clr Norris, Clr Kotlash, 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'.**

**CL24.146 Report - Quarterly Review for Compliance Matters** **HPERM Ref: D24/136415**

**RESOLVED\*** (Clr Kotlash / Clr White) MIN24.278

That Council receive the 1 January 2024 to 31 March 2024 quarterly report (Q3) on compliance matters for information.

FOR: Clr D'Ath, Clr Boyd, Clr Norris, Clr Kotlash, 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'.**

**CL24.147 Interim Report - Community Infrastructure Strategic Plan - Methodology** **HPERM Ref: D24/44146**

**RESOLVED\*** (Clr White / Clr Wells) MIN24.279

That Council:

1. Receive the *Interim Report – Community Infrastructure Strategic Plan – Methodology Interim* for information on the proposed methodology and anticipated timeline for the Community Infrastructure Strategic Plan Review project.
2. Direct the CEO (Director – City Lifestyles) to prepare subsequent reports to be provided to future Ordinary Council meetings on the:
  - a. Findings of the Shoalhaven City Council Community Infrastructure Audit.
  - b. Proposed methodology and guiding principles for the Needs Analysis - Open Space & Community Facilities.

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

AGAINST: Nil

CARRIED



**CL24.148 Conjola Park - Best Practice Approach to Establishing a Memorial Outcome**

**HPERM Ref:  
D24/88038**

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

MIN24.280

That Council:

1. Accept the Conjola Park – Best Practice Approach to Establishing a Memorial Outcome report for information regarding best practice approaches to establishing a memorial outcome in the aftermath of natural disaster events.
2. Endorse the proposed memorial process as outlined in the Proposed Process section of the Conjola Park – Best Practice Approach to Establishing a Memorial Outcome report.
3. Direct the Chief Executive Officer (Director – City Lifestyles) to:
  - a. Commence Stage 1 of the proposed process (at part 2 of this resolution), to establish a Working Group that will:
    - i. establish the level of community support for a memorial outcome commemorating the 2019/20 Black Summer bushfires at Conjola Park, and;
    - ii. remain actively involved throughout the proposed process (as at part 2 of this resolution).
  - b. Progress to subsequent stages (pending completion of Stage 1) and prepare a future report to Council at the completion of Stage 3.

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

AGAINST: Nil

CARRIED

**CL24.149 Bay & Basin Leisure Centre - Outcome of Engagement Activity**

**HPERM Ref:  
D24/104649**

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

MIN24.281

That Council:

1. Accept the *Bay & Basin Leisure Centre – Outcome of Engagement Activity* report as an update regarding feedback received during public exhibition of concept plans for refurbishment of the Bay & Basin Leisure Centre.
2. Endorse the proposed minor changes to design (scope of works) as outlined in **Table 2: Recommended Amendments to Scope of Works** in the *Bay & Basin Leisure Centre – Outcome of Engagement Activity* report.

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

AGAINST: Nil

CARRIED

**CL24.150 Request for Plaques and Memorials**

**HPERM Ref:  
D24/112416**

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

MIN24.282

That Council, as per the Plaques and Memorials Policy:

1. Approve the request for a memorial seat and installation of memorial plaque in Bawley Point Reserve, Bawley Point.
2. Approve the request for a memorial plaque on the existing seat in Lions Park, Burrill Lake.
3. Approve the request for a second plaque on the family's existing memorial seat in Rock Pool Reserve, Currarong.
4. Advise the applicants of Council's determination of the requests.

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

AGAINST: Nil

CARRIED

**CL24.151 Shorebird Park – Shoalhaven Heads – Informal Renaming of Reserve 'Rex Worrell Shorebird Park'**

**HPERM Ref:  
D24/141594**

Note: A Deputation was received on this item.

**Recommendation**

That Council:

1. Endorse the *Shorebird Park – Shoalhaven Heads – informal renaming of reserve 'Rex Worrell Shorebird Park'* report in relation to the Worrell family's request to commemorate their father's community service by renaming the site known as Shorebird Park, Shoalhaven Heads, as 'Rex Worrell Shorebird Park'.
2. Acknowledge the Worrell family's request to memorialise Rex Worrell enjoys widespread endorsement from prominent local stakeholders and fund the signage.
3. Direct the CEO (Director - City Lifestyles) to:
  - a. Undertake the installation of a sign at Shorebird Park, Shoalhaven Heads (formally a segment of Gumley Reserve), to informally change the park name to *Rex Worrell Shorebird Park*.
  - b. Note that all costs associated with sign production and installation will be funded by the Worrell family (at no cost to Council).
4. Note that the project is not identified in Council's Delivery Program Operational Plan & Budget 2023/24, nor in the draft Resourcing Strategy exhibited in December 2023 as part of Council's Financial Sustainability Review, and subsequently has no capital works funding allocated for design or construction.

**RESOLVED** (Clr Wells / Clr White)

MIN24.283

That Council:

1. Endorse the *Shorebird Park – Shoalhaven Heads – informal renaming of reserve 'Rex Worrell Shorebird Park'* report in relation to the Worrell family's request to commemorate their father's community service by renaming the site known as Shorebird Park, Shoalhaven Heads, as 'Rex Worrell Shorebird Park'.

2. Acknowledge the Worrell family's request to memorialise Rex Worrell enjoys widespread endorsement from prominent local stakeholders and fund the signage.
3. Direct the CEO (Director - City Lifestyles) to:
  - a. Undertake the installation of a sign at Shorebird Park, Shoalhaven Heads (formally a segment of Gumley Reserve), to informally change the park name to *Rex Worrell Shorebird Park*.
  - b. Note that all costs associated with sign production and installation will be funded by the Worrell family (at no cost to Council).
4. Note that the project is not identified in Council's Delivery Program Operational Plan & Budget 2023/24, nor in the draft Resourcing Strategy exhibited in December 2023 as part of Council's Financial Sustainability Review, and subsequently has no capital works funding allocated for design or construction and thank the Worrell Family for funding for this proposal.

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

AGAINST: Nil

CARRIED

**CL24.152 Membership Appointment for Inclusion and Access Advisory Committee**

**HPERM Ref: D24/139430**

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

MIN24.284

That Council:

1. Appoint Amanda Smith as a voting member of the IAAC in accordance with the IAAC Terms of Reference (ToR) as a 'family, friend and/or carer of a person living with disability'.
2. Send a notification letter to the successful applicant.
3. Note that the EOI will remain open until the final vacant position is filled.

FOR: Clr D'Ath, Clr Boyd, Clr Norris, Clr Kotlash, 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'.**

**CL24.153 Payment of Shoalhaven Water Dividend 2022-2023 Financial Year Results**

**HPERM Ref: D24/109877**

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

MIN24.285

That Council:

1. Has effective, evidence-based strategic planning in place under the Regulatory and Assurance Framework for Local Water Utilities, July 2022 and the dividend (\$166,995) will be paid from the Water Fund as declared in 2022-23.
2. Has effective, evidence-based strategic planning in place under the Regulatory and Assurance Framework for Local Water Utilities, July 2022 and the dividend (\$1,748,868) will be paid from the Sewer Fund as declared in 2022-23

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

AGAINST: Nil  
CARRIED

**CL24.154 Tenders - South Nowra Surcharge Main - New SPS20 & Overflow Structures**

**HPERM Ref:  
D24/155701**

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

MIN24.286

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

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

AGAINST: Nil  
CARRIED

## NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL24.155 Rescission Motion - CL24.132 - Councillor Expenses and Facilities Policy for Public Exhibition**

**HPERM Ref:  
D24/186094**

### Recommendation

That Council rescind the Motion relating to Item CL24.132 Councillor Expenses and Facilities Policy for Public Exhibition of the Council Meeting held on Monday 6 May 2024.

**RESOLVED** (Clr White / Clr Wells)

MIN24.287

That Council rescind the Motion relating to Item CL24.132 Councillor Expenses and Facilities Policy for Public Exhibition of the Council Meeting held on Monday 6 May 2024.

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

AGAINST: Clr D'Ath, Clr Boyd, Clr Norris and Clr Gray

CARRIED

**CL24.156 Notice of Motion - CL24.132 - Councillor Expenses and Facilities Policy for Public Exhibition**

**HPERM Ref:  
D24/186134**

### Recommendation

That Council re-endorse the existing Council Members – Payment of Expenses and Provision of Facilities Policy in its current format without amendment.

Note: That Item CL24.156 was withdrawn with the consent of the following Councillors:

- Clr Patricia White
- Clr John Wells
- Clr Paul Ell

**CL24.157 Notice of Motion - Adjusting Timing of Infrastructure Levies**

**HPERM Ref: D24/186140**

**Recommendation**

That the CEO give consideration to and report upon the possibility and implications of incentivising more significant forms of residential development (e.g. appropriate apartment/unit developments and residential subdivisions) by adjusting the timing of part or all of infrastructure levies (e.g. Sec 7.11 & Sec 64) to occupation certificate or similar stage of development.

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

MIN24.288

That the CEO give consideration to and report upon the possibility and implications of incentivising more significant forms of residential development (e.g. appropriate apartment/unit developments and residential subdivisions) by adjusting the timing of part or all of infrastructure levies (e.g. Sec 7.11 & Sec 64) to occupation certificate or similar stage of development.

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

AGAINST: Clr D'Ath and Clr Gray

CARRIED

**ADDENDUM REPORTS**

**MM24.18 Mayoral Minute - Condolence Motion - Mayor OF Blacktown City, Councillor Tony Bleasdale OAM.**

**HPERM REF: D24/203846**

Item dealt with earlier in the meeting see MIN24.264.

**Procedural Motion – Suspension of Standing Orders**

**RESOLVED** (Clr Wells / Clr White)

MIN24.289

That Council move to suspend the operation of standing orders to introduce the following item as a matter of urgency prior to moving into closed confidential session.

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

AGAINST: Nil

CARRIED

**Procedural Motion - Matters of Urgency**

**RESOLVED** (Clr Wells / Clr White)

MIN24.290

That an additional item CL24.158 - Councils land sales strategy - Pepper Reserve, Shoalhaven Heads be introduced as a matter of urgency.

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

AGAINST: Nil

CARRIED

The Chairperson ruled the matter as urgent as they relate to urgent business of council and allowed its introduction.

**CL24.158 Additional Item – Council’s Land Sales Strategy - Pepper Reserve, Shoalhaven Heads**

**RESOLVED** (Clr Wells / Clr White) MIN24.291

That Council:

1. Remove Lot 379 DP248149 known as Pepper Reserve from Council’s Land Sales Strategy and notify the Shoalhaven Heads Community Consultative Body, the ‘Heads News’ and Councils ‘Get involved page’ of this resolution
2. Notate Council’s property file for Pepper Reserve by the inclusion of this Notice of Motion and resulting resolution so that history isn’t revisited a third time.

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

AGAINST: Nil

CARRIED

**Procedural Motion – Resumption of Standing Orders**

**RESOLVED** (Clr Kotlash / Clr Wells) MIN24.292

That Council move to resume the operation of standing orders.

FOR: Clr D’Ath, Clr Boyd, Clr Norris, Clr Kotlash, Clr Copley, Clr Ell, Clr White, Clr Wells, Clr Watson, Clr Kitchener 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 Kotlash / Clr Boyd) MIN24.293

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.

CCL24.14 Consideration to Sell Council Owned Property

*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 and undermine competitive neutrality in connection with any functions of an agency in respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market.*

CCL24.15 Tenders - Road Pavement Repairs - Various Sections between Chainage 180m and Chainage 52000m, Braidwood Road, Yerrilyong

*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.*

CCL24.16 Tenders - South Nowra Surcharge Main - New SPS20 & Overflow Structures

*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.*

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

AGAINST: Nil

CARRIED

The meeting moved into confidential the time being 7.16pm.

The meeting moved into open session, the time being 7.39pm.

Note: Clr Watson left the meeting, the time being 7.39pm.

## REPORT FROM CONFIDENTIAL SESSION

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

### CCL24.14 Consideration to Sell Council Owned Property

HPERM Ref:  
D24/132544

#### RESOLVED

MIN24.294C

That Council endorse staff to:

1. Investigate potential opportunities to reimagine the asset operating model from the existing property portfolio.
2. Conduct an EOI process upon expiry of current lease agreements within the property portfolio to identify increased returns.
3. Report back to Council on any opportunities or outcomes of EOI processes concerning the existing property portfolio.

CARRIED

**CCL24.15 Tenders - Road Pavement Repairs - Various Sections  
between Chainage 180m and Chainage 52000m,  
Braidwood Road, Yerriyong**

**HPERM Ref:  
D24/166794**

**RESOLVED**

MIN24.295C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Fulton Hogan Pty Ltd for Road Pavement Repairs – Various sections between CH180 – CH52000, Braidwood Road, Yerrigong for a total cost of \$1,244,370.99 (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

**CCL24.16 Tenders - South Nowra Surcharge Main - New SPS20 &  
Overflow Structures**

**HPERM Ref:  
D24/155722**

**RESOLVED**

MIN24.296C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Ironbuilt Infrastructure Pty Ltd for the South Nowra Surcharge Main New SPS 20 & Overflow Structures project (Separable Portions 1 and 2) for a total cost of \$6,377,718.32 (including 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 7.42pm.

Clr Norris  
CHAIRPERSON