

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 22 July 2024
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.32pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr Moo D'Ath
Clr Gillian Boyd
Clr Matthew Norris
Clr John Kotlash (Remotely)
Clr Serena Copley
Clr Paul Ell
Clr Evan Christen
Clr Patricia White
Clr Greg Watson (Remotely) – Left at 9.11pm
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.

Leave of Absence

A request for leave was granted at the Ordinary Meeting, 24 June 2024 for Clr Wells for this meeting.

Confirmation of the Minutes

RESOLVED (Clr Copley / Clr Norris) MIN24.355

That the Minutes of the Ordinary Meeting held on Monday 24 June 2024 be confirmed.

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

AGAINST: Nil

CARRIED

Minutes Confirmed Monday 29 July 2024 – Chairperson

Declaration of Interests

Clr Norris – CL24.199 - 2024/2025 Community Donations– less than significant non pecuniary interest declaration - He knows members of the groups that is being recommended for donations, being Sanctuary Point Pride – will remain in the room and will take part in discussion or vote.

Clr Eil – CL24.207 – DA24/1326 - 4 Beinda Street BOMADERRY- less than significant pecuniary interest declaration – He owns a property in proximity of the development – will leave the room and will not take part in discussion or vote.

Clr Kitchener – CL24.199 - 2024/2025 Community Donations – less than significant non pecuniary interest declaration – His wife, Anne-Maree is a committee member on the Milton-Ulladulla Youth Driver Program which is one of the groups on the Donations list - will remain in the room and will take part in discussion or vote.

Clr Boyd – CL24.199 - 2024/2025 Community Donations – less than significant non pecuniary interest declaration – She knows members of the groups that is being recommended for donations – will remain in the room and will take part in discussion or vote.

Clr Kotlash – CL24.199 – 2024/2025 Community Donations - less than significant non pecuniary interest declaration – He knows members of the groups that is being recommended for donations – will remain in the room and will take part in discussion or vote.

Clr D'Ath – CL24.199 – 2024/2025 Community Donations - less than significant non pecuniary interest declaration – She knows members of the groups that is being recommended for donations – will remain in the room and will take part in discussion or vote.

MAYORAL MINUTE

MM24.23 Mayoral Minute - Condolence Motion - Passing of Aboriginal Elder Uncle James Frederick Bimbo Stewart

**HPERM Ref:
D24/234759**

Recommendation

That Shoalhaven City Council notes the passing of Uncle James Frederick Bimbo Stewart, acknowledge his significant contribution to the community and extend our condolences to his family.

RESOLVED (Clr Findley / Clr Christen)

MIN24.356

That Shoalhaven City Council notes the passing of Uncle James Frederick Bimbo Stewart, acknowledge his significant contribution to the community and extend our condolences to his family.

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

AGAINST: Nil

CARRIED

MM24.24 Mayoral Minute - Condolence Motion - Guy Warren

**HPERM Ref:
D24/248367**

Recommendation

That Shoalhaven City Council notes the passing of Guy Warren, acknowledge the significant contribution he made to the Arts and extend our condolences to his family.

RESOLVED (Clr Findley / Clr Gray)

MIN24.357

That Shoalhaven City Council notes the passing of Guy Warren, acknowledge the significant contribution he made to the Arts and extend our condolences to his family.

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

AGAINST: Nil

CARRIED

MM24.25 Mayoral Minute - Condolence Motion - Roy Weatherhead

**HPERM Ref:
D24/248388**

Recommendation

That Council notes the passing of Mr Roy Weatherhead and acknowledge the significant contribution he made to the Arts.

RESOLVED (Clr Findley / Clr Gray)

MIN24.358

That Council notes the passing of Mr Roy Weatherhead and acknowledge the significant contribution he made to the Arts.

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

AGAINST: Nil

CARRIED

Procedural Motion – Hear Additional Deputations

RESOLVED (Clr Norris / Clr Gray)

MIN24.359

That Council hear a further two additional deputations from Mr Matthew Philpott and Ms Ashleigh McGuire on item CL24.212 – Notice of Motion – Proposed rezoning of Callala Bay Residential Expansion Zone.

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

AGAINST: Nil

CARRIED

DEPUTATIONS AND PRESENTATIONS

CL24.210 – Notice of Motion – Desecration of War Memorials

Mr Fred Campbell OAM addressed the meeting to speak FOR the recommendation.

CL24.212 - Notice of Motion - Proposed rezoning of Callala Bay Residential Expansion Zone

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

Ms Ashleigh McGuire addressed the meeting to speak FOR the recommendation.

Mr Warwick Pearse addressed the meeting on behalf of National Parks Association of NSW to speak AGAINST the recommendation.

Ms Cat Holloway addressed the meeting on behalf of Callala Matters to speak FOR the recommendation.

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En block

RESOLVED (Clr Norris / Clr Christen)

MIN24.360

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

- CL24.200 Ongoing Register of Pecuniary Interest Returns - June 2024
- CL24.201 LGNSW Annual Conference - 17-19 November 2024 – Motions Briefing.

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En block

RESOLVED (Clr White / Clr Christen)

MIN24.361

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

- CL24.203 Termination of ratepayer advance agreements 24-38 Basin View Parade, Basin View
- CL24.204 Easement to Drain Sewer over Council Land - Lot 117 DP 1122371, Albatross Road, South Nowra
- CL24.205 Tenders - Design and Construction (D&C) - Murrays Bridge Replacement Murrays Road – Conjola

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En block

RESOLVED (Clr Christen / Clr White)

MIN24.362

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

- CL24.208 Classification of Land - Lot 1 DP 203965, 78 Railway Street Bomaderry

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

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

AGAINST: Nil

CARRIED

Procedural Motion - Items Deferred

RESOLVED (Clr Gray / Clr D'Ath)

MIN24.363

That the following items be withdrawn and deferred to the next Ordinary Meeting to be held on 29 July 2024.

- CL24.199 - 2024/2025 Community Donations
- CL24.209 - Notice of Motion - Tourist Cabins

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

AGAINST: Nil

CARRIED

REPORT OF THE NATURAL AREA VOLUNTEERS GROUP - 19 JUNE 2024

NA24.2 Bushcare Program Update

**HPERM
D24/154563**

Ref:

Recommendation

That the Natural Area Volunteers Group:

1. Receive this update on the Bushcare Program for information;
2. Resubmit the previous recommendation (MIN23.432) to Council in relation to an additional position for Bushcare (funding):
3. *Council fill the Central District Bushcare Officer role as soon as possible to maintain function, morale, supervisory responsibilities particularly from a Work, Health and Safety legislative obligation perspective (as volunteers are defined as workers under the Work, Health and Safety Act 2011) and equity across the Bushcare districts and if necessary, that funding be sourced at a future quarterly budget review.*
4. Request that Council staff utilise media and Communications platforms to develop a recurring media campaign to encourage bushcare volunteers.

Note by the CEO:

It is noted that the Committee has sought to recommend to the Council the recruitment of an Officer to a Central District Bushcare Officer role. Given the Council resolved on 29 January 2024

(MIN24.44) to effectively place a staffing freeze on all recruitment positions, it is considered that the recommendation is outside the scope of the Committee and not an appropriate matter to be considered or resolved by the Council at this time.

It is suggested that an alternate recommendation which does not seek to act in a manner contrary to other direction of Council is as follows.

Recommendation

That Council:

- 1. Receive this update on the Bushcare Program for information.**
- 2. Note that the vacant positions of District Bushcare Officer (North and South) will be assessed for recruitment as part of Council's operational processes.**
- 3. Utilise media and Communications platforms to develop a recurring media campaign to encourage bushcare volunteers.**

RESOLVED (Clr White / Clr Christen)

MIN24.364

That Council:

1. Receive this update on the Bushcare Program for information.
2. Note that the vacant positions of District Bushcare Officer will be assessed for recruitment as part of Council's operational processes.
3. Utilise media and Communications platforms to develop a recurring media campaign to encourage bushcare volunteers.

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

AGAINST: Nil

CARRIED

REPORTS

CL24.199 2024/2025 Community Donations

**HPERM Ref:
D24/212674**

Note: This item was deferred, see MIN24.363.

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

CL24.200 Ongoing Register of Pecuniary Interest Returns - June 2024

**HPERM Ref:
D24/252432**

RESOLVED* (Clr Norris / Clr Christen)

MIN24.365

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

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

AGAINST: Nil

CARRIED

**CL24.201 LGNSW Annual Conference - 17-19 November 2024 -
Motions Briefing**

**HPERM Ref:
D24/261796**

RESOLVED* (Clr Norris / Clr Christen)

MIN24.366

That:

1. Council confirms two of the voting delegates at the 2024 LGNSW Annual Conference to be held from 17 to 19 November 2024 will be the then Mayor and the Deputy Mayor (determined after the upcoming September Election).
2. Council notes that the remaining three (3) Councillors to be voting delegates will be determined by the newly elected Council at its first meeting of Council in October 2024.
3. That a Councillor Briefing be held in early August 2024 for the Council to formulate motions for submission to the conference.

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

AGAINST: Nil

CARRIED

**CL24.202 Sale of Council Employment Land (AATP, Flinders &
Woollamia)**

**HPERM Ref:
D24/252882**

Recommendation

That Council:

1. Sell the 14 proposed lots within Stage 5 Albatross Aviation Technology Park (AATP) Yerriyong (Lot 22 DP 1194689) through a competitive EOI tender for not less than an independent market valuation.
2. Sell Lot 16 DP 1094151 Bunda Street Yerriyong through a competitive EOI tender for not less than an independent market valuation and rescind previous resolutions in relation to the Lot to the extent that they have not been enacted.
3. Sell the three proposed lots within the Flinders Stage 11 Industrial Estate South Nowra (Lot 117 DP 1122371) by auction or private treaty for not less than a market evaluation.
4. Sell the six proposed lots within the Stage 5a Woollamia Industrial Estate Huskisson (Part Lot 171 DP 1277719) by Auction or Private treaty for not less than a market evaluation.
5. Allocate the net proceeds of the sales to Council's Industrial Land Reserve, noting that this reserve is internally restricted, and a resolution of Council would be required to move funds from this reserve.
6. Authorises the CEO (or delegate) to negotiate the final sale price for the land considered within this report.

RESOLVED (Clr Eil / Clr Norris)

MIN24.367

That Council:

1. Sell the 14 proposed lots within Stage 5 Albatross Aviation Technology Park (AATP) Yerriyong (Lot 22 DP 1194689) through a competitive EOI tender for not less than an independent market valuation.
2. Sell Lot 16 DP 1094151 Bunda Street Yerriyong through a competitive EOI tender for not less than an independent market valuation and rescind previous resolutions in relation to the Lot to the extent that they have not been enacted.
3. Sell the three proposed lots within the Flinders Stage 11 Industrial Estate South Nowra (Lot

117 DP 1122371) by auction or private treaty for not less than a market evaluation.

4. Sell the six proposed lots within the Stage 5a Woollamia Industrial Estate Huskisson (Part Lot 171 DP 1277719) by Auction or Private treaty for not less than a market evaluation.
5. Allocate the net proceeds of the sales to Council's Industrial Land Reserve, noting that this reserve is internally restricted, and a resolution of Council would be required to move funds from this reserve.
6. Authorises the CEO (or delegate) to negotiate the final sale price for the land considered within this report.
7. Seek information regarding the implications of restricting of Council's industrial land portfolio with regard to employment prior to any sales referenced in this report taking place.

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

AGAINST: Clr Ell and Clr White

CARRIED

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

**CL24.203 Termination of ratepayer advance agreements 24-38
Basin View Parade, Basin View**

**HPERM Ref:
D24/155222**

RESOLVED* (Clr White / Clr Christen)

MIN24.368

That Council:

1. Rescind the previous motion (MIN21.550) to enter into agreements with the owners of 24 – 38 Basin View Parade, Basin View for the construction of kerb and gutter.
2. Terminate any agreements that have previously been made under MIN21.550 and refund any payments and advances received, with interest.

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

AGAINST: Nil

CARRIED

**CL24.204 Easement to Drain Sewer over Council Land - Lot 117
DP 1122371, Albatross Road, South Nowra**

**HPERM Ref:
D24/214182**

RESOLVED* (Clr White / Clr Christen)

MIN24.369

That Council:

1. Grant an Easement to Drain Sewage of approximately 64m² that will:
 - a. Burden Council land known as Lot 117 DP 1122371, Albatross Road, South Nowra as shown in Attachment 1.
 - b. Require the landowner of Lot 116 DP 1122371, 17 Norfolk Ave, South Nowra to pay compensation to Shoalhaven City Council in the amount of \$5,200.00 (plus GST if applicable) for the grant of Easement to Drain Sewage.
 - c. Require the landowner of Lot 116 DP 1122371, 17 Norfolk Ave, South Nowra, to fund all costs associated with the creation and registration of the Easement to Drain Sewage.
2. Delegate authority to the Chief Executive Officer to adjust compensation in accordance with the area of the easement determined by the final registered plan.

3. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

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

AGAINST: Nil

CARRIED

**CL24.205 Tenders - Design and Construction (D&C) - Murrays
Bridge Replacement Murrays Road - Conjola**

**HPERM Ref:
D24/250843**

RESOLVED* (Clr White / Clr Christen)

MIN24.370

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 Norris, Clr Kotlash, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

Procedural Motion - Move into Committee of the Whole

RESOLVED (Clr White / Clr Christen)

MIN24.371

That Council move into the Committee of the Whole to discuss CL24.206 - Tender Evaluation - Cleaning of Public Amenities (Toilets), the time being 6.53pm.

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

AGAINST: Nil

CARRIED

The meeting was adjourned, the time being 7.17pm.

The meeting returned, the time being 7.35pm.

Clr Amanda Findley - Chairperson
Clr Moo D'Ath
Clr Gillian Boyd
Clr Matthew Norris
Clr John Kotlash (Remotely)
Clr Serena Copley
Clr Paul Eil
Clr Evan Christen
Clr Patricia White
Clr Greg Watson (Remotely)
Clr Mark Kitchener
Clr Tonia Gray

Procedural Motion - Resumption of Meeting

RESOLVED (Clr Kotlash / Clr Norris) MIN24.372

That Council move out of Committee of the Whole, the time being 7.36pm. There was no recommendation made during Committee of the Whole.

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

AGAINST: Nil

CARRIED

CL24.206 Tender Evaluation - Cleaning of Public Amenities (Toilets)

HPERM Ref: D24/257053

Recommendation

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

RESOLVED (Clr Copley / Clr Eil) MIN24.373

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 Norris, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Clr Kotlash

CARRIED

CL24.207 DA24/1326 - 4 Beinda Street BOMADERRY

HPERM Ref: D24/269667

Clr Eil – CL24.207 – DA24/1326 - 4 Beinda Street BOMADERRY- less than significant pecuniary interest declaration – He owns a property in proximity of the development – left the room and did not take part in discussion or vote.

Recommendation

That:

1. Council receive and note the report DA2024/1326 – 4 Beinda Street BOMADERRY
2. Council supports the staff recommendation to the Southern Regional Planning Panel to approve DA2024/1326 for demolition of existing structures, lot consolidation and construction of two (2) x residential flat buildings comprising 60 build-to-rent apartments and 70 car parking spaces having consideration to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The resolution made by Council be submitted to the Regional Planning Panel prior to their consideration and determination of DA2024/1326.

RESOLVED (Clr Norris / Clr Copley) MIN24.374

That:

1. Council receive and note the report DA2024/1326 – 4 Beinda Street BOMADERRY

2. Council supports the staff recommendation to the Southern Regional Planning Panel to approve DA2024/1326 for demolition of existing structures, lot consolidation and construction of two (2) x residential flat buildings comprising 60 build-to-rent apartments and 70 car parking spaces having consideration to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. Council submit that the Regional Planning Panel consider local flying fox colonies and input conditions that limit noise and light during the construction phase, to ensure minimised impacts.
4. The resolution made by Council be submitted to the Regional Planning Panel prior to their consideration and determination of DA2024/1326.

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

AGAINST: Nil

CARRIED

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

CL24.208 Classification of Land - Lot 1 DP 203965, 78 Railway Street Bomaderry

**HPERM Ref:
D24/208081**

RESOLVED* (Clr Christen / Clr White)

MIN24.375

That Council classify the land described as Lot 1 DP 203965, 78 Railway Street, Bomaderry, as Operational Land within the meaning of the Local Government Act 1993.

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL24.209 Notice of Motion - Tourist Cabins

**HPERM Ref:
D24/279836**

Note: This item was deferred, see MIN24.363.

CL24.210 Notice of Motion - Desecration of War Memorials

**HPERM Ref:
D24/290966**

Note: A Deputation was received on this item.

Recommendation

That Council condemns the act of defacing war memorials by people protesting the war in Gaza, which is deeply insulting for current and former members of the Australian Defence Force and undermines the significance of these memorials as symbols of national pride and remembrance.

MOTION (Clr Eil / Clr Copley)

That Council condemns the act of defacing war memorials by people protesting the war in Gaza, which is deeply insulting for current and former members of the Australian Defence Force and

undermines the significance of these memorials as symbols of national pride and remembrance.

AMENDMENT (Clr Boyd / Clr Gray)

That Council condemns the act of defacing war memorials.

FOR: Clr Findley, Clr Boyd, Clr Norris, Clr Kotlash, Clr Christen and Clr Gray

AGAINST: Clr D'Ath, Clr Copley, Clr Eil, Clr White, Clr Watson and Clr Kitchener

The AMENDMENT was CARRIED on the casting vote of the CHAIRPERSON.

The AMENDMENT became the MOTION.

RESOLVED (AMENDMENT) (Clr Boyd / Clr Gray)

MIN24.376

That Council condemns the act of defacing war memorials.

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

AGAINST: Nil

CARRIED

CL24.211 Notice of Motion - Invitation to His Majesty King Charles to visit the Shoalhaven

**HPERM Ref:
D24/291088**

Recommendation

That Council:

1. Notes that King Charles and Queen Camilla will be visiting Australia and Samoa in late October 2024 as part of the Commonwealth Heads of Government Meeting (CHOGM).
2. Directs the CEO to write to the Department of Prime Minister and Cabinet to extend a formal invitation to the King and Queen to visit the Shoalhaven as part of their itinerary and to offer the assistance of Council in relation to the same.
3. Resolves to send a copy of the above letter to Mrs Fiona Phillips MP, Federal Member for Gilmore, and at the same time request her assistance with making representations on our behalf.
4. In the event that the invitation is accepted, delegates to the CEO regarding any arrangements for the visit which involve Council.

Recommendation (Clr Eil / Clr Copley)

That Council:

1. Notes that King Charles and Queen Camilla will be visiting Australia and Samoa in late October 2024 as part of the Commonwealth Heads of Government Meeting (CHOGM).
2. Directs the CEO to write to the Department of Prime Minister and Cabinet to extend a formal invitation to the King and Queen to visit the Shoalhaven as part of their itinerary and to offer the assistance of Council in relation to the same.
3. Resolves to send a copy of the above letter to Mrs Fiona Phillips MP, Federal Member for Gilmore, and at the same time request her assistance with making representations on our behalf.
4. In the event that the invitation is accepted, delegates to the CEO regarding any arrangements for the visit which involve Council.

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

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

LOST

CL24.212 Notice of Motion - Proposed rezoning of Callala Bay Residential Expansion Zone

**HPERM Ref:
D24/291433**

Note: Deputations were received on this item.

Recommendation

That Council formally request the NSW Government to take the necessary steps, in regard to the Callala Bay Residential Expansion Zone (40ha of land to the west of the Callala Bay township) to rezone if from its current zones of R1 General Residential / C3 Environmental Management / RE1 Public Recreation to C2 Environmental Conservation under Shoalhaven LEP2014 in recognition of the following concerns:

1. 97 per cent opposition by the community, including First Nations representatives to the rezoning
2. The high conservation value coastal lowland forest that survived the 2019-20 fires and where old hollow-bearing trees are home to endangered and threatened species
3. Endangered species currently living there: Greater gliders, Gang Gang cockatoos, and Bauer's Midge Orchids. Threatened species: Yellow-bellied gliders, Eastern Pygmy-possums, Glossy-black cockatoos and Grey-headed flying-foxes
4. Impacts of climate change, deforestation and bush fires, on endangered species, cultural heritage, and tourism values
5. Adding housing to a high bushfire risk isolated community.

RESOLVED (Clr Christen / Clr Findley)

MIN24.377

That Council formally request the NSW Government to take the necessary steps, in regard to the Callala Bay Residential Expansion Zone (40ha of land to the west of the Callala Bay township) to rezone if from its current zones of R1 General Residential / C3 Environmental Management / RE1 Public Recreation to C2 Environmental Conservation under Shoalhaven LEP2014 in recognition of the following concerns:

1. 97 per cent opposition by the community, including First Nations representatives to the rezoning
2. The high conservation value coastal lowland forest that survived the 2019-20 fires and where old hollow-bearing trees are home to endangered and threatened species
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4. Impacts of climate change, deforestation and bush fires, on endangered species, cultural heritage, and tourism values
5. Adding housing to a high bushfire risk isolated community.

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

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

CARRIED

CL24.213 Notice of Motion - Reaffirm Shoalhaven City Council's position as a Nuclear Free Zone

HPERM Ref: D24/291820

Recommendation

That Council re-affirm its 27 June, 2006 declaration that is a Nuclear Free Zone where the following was adopted (see MIN06.917):

1. Assure the Shoalhaven community that Council will oppose any plan or attempt to establish a nuclear reactor or nuclear power plant in the Shoalhaven City, in the Shoalhaven River catchment, or in Commonwealth Territory of Jervis Bay, Australian Capital Territory.
2. Call on Federal and State Government for more research into the development of renewable energy sources and for society to become more energy efficient.

RESOLVED (Clr Gray / Clr Boyd)

MIN24.378

That Council re-affirm its 27 June, 2006 declaration that is a Nuclear Free Zone where the following was adopted (see MIN06.917):

1. Assure the Shoalhaven community that Council will oppose any plan or attempt to establish a nuclear reactor or nuclear power plant in the Shoalhaven City, in the Shoalhaven River catchment, or in Commonwealth Territory of Jervis Bay, Australian Capital Territory.
2. Call on Federal and State Government for the development of renewable energy sources and for society to become more energy efficient.

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

AGAINST: Nil

CARRIED

CL24.214 Notice of Motion - Reporting Consultancy costs to the Community

HPERM Ref: D24/292822

Recommendation

That:

1. Council staff take the necessary steps to report explicitly the cost of consultants in each directorate.
2. This be reported to an ordinary meeting at the quarterly review. It should include legal fees as well. The yearly information will show the breakdown of consultant spend in the business paper to the Annual report.
3. Information included should be enough to determine the spending levels on consultancy over time but not explicit or specific enough to compromise the financial operations of council.
4. As part of this process more explicit information on Consultants fees will be made available to Councillors in briefings so they may have acceptable oversight around the financial operations of Council.

RESOLVED (Clr Kotlash / Clr Norris)

MIN24.379

That:

1. Council staff take the necessary steps to report explicitly the cost of consultants in each directorate.
2. This be reported to an ordinary meeting at the quarterly review. It should include legal fees as well. The yearly information will show the breakdown of consultant spend in the business

paper to the Annual report.

3. Information included should be enough to determine the spending levels on consultancy over time but not explicit or specific enough to compromise the financial operations of council.
4. As part of the ongoing process in Council's efficiency measures and seeking value for money by providing more explicit information to Councillors to enable future decision making and oversight.

FOR: Clr Findley, Clr D'Ath, Clr Boyd, Clr Norris, Clr Kotlash, Clr Copley, Clr Ell, Clr Christen, Clr White, 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 Norris)

MIN24.380

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.

CCL24.20 Tenders - Design and Construction (D&C) - Murrays Bridge Replacement Murrays Road - Conjola

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.

CCL24.21 Tender Evaluation - Cleaning of Public Amenities (Toilets)

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

AGAINST: Nil

CARRIED

The meeting moved into confidential the time being 8.56pm.

Note: Clr Watson left the meeting during confidential session, the time being 9.11pm

The meeting moved into open session, the time being 9.13pm

REPORT FROM CONFIDENTIAL SESSION

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

CCL24.20 Tenders - Design and Construction (D&C) - Murrays Bridge Replacement Murrays Road - Conjola

RESOLVED

MIN24.381C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Fortec Australia Pty Ltd for (D&C) Murrays Bridge Replacement Murrays road - Conjola for a total cost of \$1,270,935.00 (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

CCL24.21 Tender Evaluation - Cleaning of Public Amenities (Toilets)

RESOLVED

MIN24.382C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Solo Services Group for Cleaning Public Amenities (Toilets) for two years (with the option of a one-year extension) at a cost of \$570,110.16 per year (total cost \$1,140,220.32 for two years)
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, as the Principle's Representative).

CARRIED

There being no further business, the meeting concluded, the time being 9.16pm.

Clr Findley
CHAIRPERSON