

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 29 July 2024
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr Moo D'Ath
Clr Gillian Boyd
Clr Matthew Norris
Clr John Kotlash
Clr Serena Copley
Clr Paul Ell
Clr Evan Christen
Clr Patricia White
Clr Greg Watson
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

A Leave of absence was granted for Clr Wells for this meeting, at the Ordinary Meeting 24 June 2024

Confirmation of the Minutes

RESOLVED (Clr Kotlash / Clr Gray) MIN24.383

That the Minutes of the Ordinary Meeting held on Monday 22 July 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

Declaration of Interests

Clr Norris – CL24.199 - 2024/2025 Community Donations – Less than significant non pecuniary interest declaration – people in the organisations listed are known to him – will remain in the room and will take part in discussion or vote.

Clr Kitchener – CL24.199 - 2024/2025 Community Donations – Less than significant non pecuniary interest declaration – his wife is a Committee member of the Milton Ulladulla Youth Driver Education Program - 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 – members of the organisations listed are known to her - 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 members of the organisations listed are known to him - 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 members of the organisations listed are known to her - will remain in the room and will take part in discussion or vote.

Clr Watson – MM24.27 - Mayoral Minute - Clr Greg Watson 50 Years of Service to Local Government - Less than significant non pecuniary interest declaration – This report relates to him – will remain in the room and will take part in discussion or vote.

Clr Kitchener - CL24.223 - Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity – Less than significant non pecuniary interest declaration – he owns a dog and walks at permissible beach locations – will remain in the room and will take part in discussion or vote.

Clr Ell – CL24.223 - Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity - Less than significant non pecuniary interest declaration – community members and Liberal Party members involved in advocacy on this matter are known to him - will remain in the room and will take part in discussion or vote.

Clr Boyd - CL24.223 - Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity - Less than significant non pecuniary interest declaration – people involved are known to her - will remain in the room and will take part in discussion or vote.

Clr Copley - CL24.223 - Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity - Less than significant non pecuniary interest declaration – community members and Liberal Party members involved in advocacy on this matter are known to her - will remain in the room and will take part in discussion or vote.

Clr D’Ath - CL24.223 - Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity - Less than significant non pecuniary interest declaration – people involved are known to her - will remain in the room and will take part in discussion or vote.

PRESENTATION OF PETITION

Presentation of Petitions

Clr Copley tabled a petition containing 892 signatures which reads: The Shoalhaven Heads Community Forum and the residents of Shoalhaven Heads and surrounds call on Shoalhaven City Council and the NSW State Government to **adopt an entrance management plan** for the Shoalhaven River at Shoalhaven Heads which achieves a **mechanical opening of the river entrance** when the flood level **reaches or is predicted to reach minor flood level** (2.3m at Nowra Bridge and 1.5m at Shoalhaven Heads).

MAYORAL MINUTE

MM24.26 Mayoral Minute - PFAS

HPERM Ref:
D24/232477

Recommendation

That Council:

1. Support a transition away from products containing per and polyfluoroalkyl substances (PFAS) in Council's operations and services.
2. Adopts immediate measures to comply with the Department of Climate Change, Energy, the Environment and Water's (DCCEE) draft PFAS National Environmental Management Plan (NEMP 3.0)
3. Give consideration to wholistic management of biosolids to ensure no further contamination to the environment, and advocate for a national leadership to developing appropriate management systems.
4. Undertakes a risk assessment of Council depots, wastewater management, and waste management sites to establish a baseline understanding if there is PFAS leaking to the environment.
5. Notes the excellent results from recent testing for PFAS in raw water, drinking water and reclaimed water and directs Shoalhaven Water to continue with annual testing of same.
6. Requests a meeting with NSW EPA to discuss the management and risk mitigation of the PFAS in Shoalhaven River and Currumbene creek, including ongoing water, soil and fish testing and an ongoing information communication strategy for residents and visitors.
7. Council consider how it can report to the community annually how PFAS may be impacting on our environment. Inform the Internal Audit committee of all PFAS risk emerging or current.

RESOLVED (Clr Findley / Clr Christen)

MIN24.384

That Council:

1. Support a transition away from products containing per and polyfluoroalkyl substances (PFAS) in Council's operations and services.
2. Adopts immediate measures to comply with the Department of Climate Change, Energy, the Environment and Water's (DCCEE) draft PFAS National Environmental Management Plan (NEMP 3.0)
3. Give consideration to wholistic management of biosolids to ensure no further contamination to the environment, and advocate for a national leadership to developing appropriate management systems.

4. Undertakes a risk assessment of Council depots, wastewater management, and waste management sites to establish a baseline understanding if there is PFAS leaking to the environment.
5. Notes the excellent results from recent testing for PFAS in raw water, drinking water and reclaimed water and directs Shoalhaven Water to continue with annual testing of same.
6. Requests a meeting with NSW EPA to discuss the management and risk mitigation of the PFAS in Shoalhaven River and Currumbene creek, including ongoing water, soil and fish testing and an ongoing information communication strategy for residents and visitors.
7. Request the State Government to undertake the appropriate testing of RFS management sites in the Shoalhaven.
8. Council consider how it can report to the community annually how PFAS may be impacting on our environment. Inform the Audit Risk & Improvement Committee (ARIC) of all PFAS risk emerging or current.

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

MM24.27 Mayoral Minute - Clr Greg Watson 50 Years of Service to Local Government

HPERM Ref: D24/199460

Note: Clr Watson – MM24.27 - Mayoral Minute - Clr Greg Watson 50 Years of Service to Local Government - Less than significant non pecuniary interest declaration – This report relates to him – remained in the room and took part in discussion and vote.

Recommendation

That Council congratulates Clr Greg Watson on his milestone golden anniversary, 50 years of service to the ratepayers and residents of Shoalhaven.

RESOLVED (Clr Findley / Clr Kitchener)

MIN24.385

That Council congratulates Clr Greg Watson on his milestone golden anniversary, 50 years of service to the ratepayers and residents of Shoalhaven.

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

CL24.209 - 2024/2025 Community Donations

Ms Julianne McKay addressed the meeting on behalf of Shoalhaven Walking Together Alliance Inc to speak AGAINST the recommendation

Ms Maria Lavalle addressed the meeting to speak FOR the recommendation

Note: Written deputations were also received on this item.

CL24.218 - Berry Planning and Heritage Considerations: Proposed Amendments to Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014

Ms Catherine Barlow addressed the meeting on behalf of the Berry Forum to speak FOR the recommendation

Ms Kate Dezarnaulds addressed the meeting on behalf of the Berry Chamber of Commerce and Tourism to speak AGAINST the recommendation

CL24.223 - Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity

Mr Roger Steele addressed the meeting on behalf of Paws4Shoalhaven to speak AGAINST the recommendation

Note: Written deputations were also received on this item.

CL24.224 - Bay and Basin Boxing Club - Summary of Engagement Activities

Mr Justin O'Connor addressed the meeting to speak FOR the recommendation

CL24.226 - Kangaroo Valley Men's Shed - Confirmation of Endorsed Site Following Completion of Resident Engagement

Mr Matthew Southworth addressed the meeting to speak FOR the recommendation

Ms Courtenay Russell addressed the meeting to speak AGAINST the recommendation

CL24.232 - Notice of Motion - Request for an Urgent Review of the Entrance Management Plan for Shoalhaven Heads

Ms Robyn Flack 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 Christen)

MIN24.386

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

- CL24.216 - Policy - Fee Waivers Subsidies and Support
- CL24.217 - Investment Report - June 2024

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 Gray)

MIN24.387

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

- CL24.219 - Opportunities and Implications - Adjusting Payment Timing - Infrastructure Levies (Section 7.11 & Section 64)

- CL24.220 - Proposed Public Exhibition - Moss Vale Road North Urban Release Area - Draft Development Controls and Local Infrastructure Contributions Framework

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

Call Over of Business Paper - En block

RESOLVED (Clr Copley / Clr Kotlash) MIN24.388

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

- CL24.222 - Increase in Scope and Contract Value - Comerong Island Levee Remediation Works

Note – the item 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

Call Over of Business Paper - En block

RESOLVED (Clr Christen / Clr Kotlash) MIN24.389

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

- CL24.225 - Sanctuary Point Library - Project Update #1
- CL24.227 - Membership Appointment for Inclusion & Access Advisory Committee
- CL24.228 - Resignation - Kate Dezarnaulds - Arts Advisory Committee
- CL24.229 - Shoalhaven City Art Collection - Acquisition of Works - Australian Artist Robert Dickerson - Cultural Gifts Program
- CL24.230 - Shoalhaven Arts Foundation Limited - Formation as a Not-for-Profit Public Company in Accordance With Section 358 of the NSW Local Government Act 1993
- CL24.231 - South Coast Arts - Renewal of Memorandum of Understanding (MOU) 2025 – 2029

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 - Bring Item Forward

RESOLVED (Clr Gray / Clr Christen) MIN24.390

That the matter of item CL24.209 - Notice of Motion - Tourist Cabins be brought forward for consideration.

CARRIED

CL24.209 Notice of Motion - Tourist Cabins

**HPERM Ref:
D24/279836**

Recommendation

That Council receive a report back that covers:

1. The interplay between the current 'Tourist and Visitor Accommodation' provisions contained in the Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014 and the Agri-tourism related planning reforms that have been implemented at the NSW Government level through State Environmental Planning Policies including use by proponents of the innominate term 'tourist cabins' in rural areas as opposed to 'farm stay accommodation';
2. Community issues/concerns or compliance matters that have emerged in rural areas including in the Berry and Kangaroo Valley areas such as regarding:
 - a. lack of control over development of tourist accommodation and function centres;
 - b. protection of rural amenity and landscapes from inappropriate development;
3. Any opportunities that may exist and could be considered to practically tighten up or improve the consideration and assessment of applications for these types of use, noting the limitations to turn off or amend provisions contained in a State Environmental Planning Policy (SEPP).

RESOLVED (Clr Gray / Clr Christen)

MIN24.391

That this item be deferred to the next meeting of Council.

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

REPORTS

CL24.215 Financial Sustainability Monthly Report

**HPERM Ref:
D24/277515**

Recommendation

That Council receive the financial sustainability monthly report for the period of June-July 2024 for information and note the changes to Council facility operating hours which have been approved by the Executive Management Team for implementation.

MOTION (Clr Findley / Clr Christen)

That Council receive the financial sustainability monthly report for the period of June-July 2024 for information and note the changes to Council facility operating hours which have been approved by the Executive Management Team for implementation.

AMENDMENT (Clr Eil / Clr Copley)

That Council

1. Receive the financial sustainability monthly report for the period of June-July 2024 for information.

2. Direct that all actions related to operating hours for pools, leisure and aquatic centres and libraries outlined in the report under the subheading Workshop 10 be placed on hold noting the significant community interest in this matter.
3. Determine that a decision on these matters is to be made by the elected Council following the 2024 Local Government Election and directs the CEO to brief the next Council on the matter and provide a subsequent report.

FOR: Clr Copley, Clr Ell, 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

RESOLVED (MOTION) (Clr Findley / Clr Christen)

MIN24.392

That Council receive the financial sustainability monthly report for the period of June-July 2024 for information and note the changes to Council facility operating hours which have been approved by the Executive Management Team for implementation.

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

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

CARRIED

CL24.199 2024/2025 Community Donations

**HPERM Ref:
D24/212674**

Note: Deputations were received on this item.

Clr Norris – CL24.199 - 2024/2025 Community Donations – Less than significant non pecuniary interest declaration – people in the organisations listed are known to him – remained in the room and took part in discussion and vote.

Clr Kitchener – CL24.199 - 2024/2025 Community Donations – Less than significant non pecuniary interest declaration – his wife is a Committee member of the Milton Ulladulla Youth Driver Education Program – remained in the room and took part in discussion and vote.

Clr Boyd – CL24.199 - 2024/2025 Community Donations - Less than significant non pecuniary interest declaration – members of the organisations listed are known to her – remained in the room and took part in discussion and vote.

Clr Kotlash - CL24.199 - 2024/2025 Community Donations - Less than significant non pecuniary interest declaration members of the organisations listed are known to him – remained in the room and took part in discussion and vote.

Clr D'Ath - CL24.199 - 2024/2025 Community Donations - Less than significant non pecuniary interest declaration members of the organisations listed are known to her – remained in the room and took part in discussion and vote.

Recommendation

That Council

1. Note the information in the report outlining the process followed for the 2024/2025 Community Donations Program, including the applications received.
2. Approve the funding of the 2024/2025 Community Donations recommended by the Community Donations Panel, totalling \$139,850.00 to the following community organisations and community groups in the Shoalhaven:

Organisation	Donation For:	Amount Recommended
Bravehearts Limited	Foundation Bravehearts Ditto's Keep Safe Adventure Personal Safety Program	\$4,000.00
Five Villages Garden	Community Five Villages Community Garden	\$2,000.00
Growing Together Coast Inc	South Food for Thought	\$6,300.00
Milton Ulladulla Orchestra (MUSO)	String Milton Ulladulla String Orchestra (MUSO)	\$3,000.00
Milton Ulladulla Youth Education	Youth Driver Education Milton Ulladulla Youth Driver Education	\$19,000.00
Mission Australia - Shoalhaven Youth Services	Southern Youth Beat Outreach Project	\$2,000.00
Shoalhaven Youth Orchestra Inc.	Youth Orchestra Shoalhaven Youth Orchestra	\$16,000.00
The Ulladulla & Districts Community Resource Centre	Up and Go Service	\$5,000.00
Walking Football NSW	Introduction and Development of Walking Football/Soccer for Seniors, People with Disabilities or Socially withdrawn or Isolated	\$1,000.00
Callala Bay Association Inc	Community Breakfast by the Bay- Australia Day Event	\$800.00
Rotary Club of Ulladulla	Milton Ulladulla Blessing of the Fleet Festival	\$10,000.00
Sanctuary Point Pride Inc	Community 2025 Neighbour Day	\$500.00
Shoalcoast Community Legal Centre	Legal Shoalhaven Koori Touch Football Competition	\$1,000.00
Shoalhaven Food Network	Autumn Celebration of Food	\$7,500.00
The Lions Club of Bomaderry Nowra Inc	Nowra Lions Annual Carols in the Park	\$5,000.00
Berry Branch of the CWA	CWA Rates Berry Branch CWA Rates	\$2,500.00
Friends of Callala Seniors Group	Seniors Friends of Callala Seniors Group	\$1,953.00
Manyana & Districts CPISA	CPISA Manyana & Districts CPISA	\$1,188.00
Mollymook Bridge Club Inc.	Subsidised Rental, Rates & Use of Council Facilities	\$2,160.00
Music Shoalhaven Inc	Music Shoalhaven Classical Concert	\$1,500.00

		Series	
Shoalhaven City Band	Concert	Weekly Hire of Rehearsal Venue and Concert/Workshop Venues	\$2,896.00
Shoalhaven Historical Society		Nowra Museum - Rent Subsidy	\$1,318.00
Shoalhaven Pistol Club		Annual Rates Subsidy	\$525.00
Sussex Inlet Foundation for Community Development Inc		Sussex Inlet Foundation for Community Development Rent Support	\$12,000.00
Tomerong School of Arts Inc.		Tomerong School of Arts Inc.	\$3,660.00
Treading Lightly Inc.		Rental Subsidy for Community Hub for NFPs and Groups	\$25,800.00
Wandandian Association	Progress	Wandandian Progress Grant	\$1,250.00

3. Advise the remaining applicants that their application for the Community Donations Program have been unsuccessful.

MOTION (Clr Eil / Clr Copley)

That Council

- Note the information in the report outlining the process followed for the 2024/2025 Community Donations Program, including the applications received.
- Approve the funding of the 2024/2025 Community Donations recommended by the Community Donations Panel, totalling \$139,850.00 to the following community organisations and community groups in the Shoalhaven:

Organisation	Donation For:	Amount Recommended
Bravehearts Foundation Limited	Bravehearts Ditto's Keep Safe Adventure Personal Safety Program	\$4,000.00
Five Villages Community Garden	Five Villages Community Garden	\$2,000.00
Growing Together South Coast Inc	Food for Thought	\$6,300.00
Milton Ulladulla String Orchestra (MUSO)	Milton Ulladulla String Orchestra (MUSO)	\$3,000.00
Milton Ulladulla Youth Driver Education	Milton Ulladulla Youth Driver Education	\$19,000.00
Mission Australia - Southern Shoalhaven Youth Services	Youth Beat Outreach Project	\$2,000.00
Shoalhaven Youth Orchestra Inc.	Shoalhaven Youth Orchestra	\$16,000.00
The Ulladulla & Districts Community Resource Centre	Up and Go Service	\$5,000.00

Walking Football NSW	Introduction and Development of Walking Football/Soccer for Seniors, People with Disabilities or Socially withdrawn or Isolated	\$1,000.00
Callala Bay Community Association Inc	Breakfast by the Bay- Community Australia Day Event	\$800.00
Rotary Club of Milton Ulladulla	Ulladulla Blessing of the Fleet Festival	\$20,000.00
Sanctuary Point Community Pride Inc	2025 Neighbour Day	\$500.00
Shoalcoast Community Legal Centre	Shoalhaven Koori Touch Football Competition	\$1,000.00
Shoalhaven Food Network	Autumn Celebration of Food	\$7,500.00
The Lions Club of Bomaderry Nowra Inc	Bomaderry Nowra Lions Annual Carols in the Park	\$10,000.00
Berry Branch of the CWA	Berry Branch CWA Rates	\$2,500.00
Friends of Callala Seniors Group	Friends of Callala Seniors Group	\$1,953.00
Manyana & Districts CPSA	Manyana & Districts CPSA	\$1,188.00
Mollymook Bridge Club Inc.	Subsidised Rental, Rates & Use of Council Facilities	\$2,160.00
Music Shoalhaven Inc	Music Shoalhaven Classical Concert Series	\$1,500.00
Shoalhaven City Concert Band	Weekly Hire of Rehearsal Venue and Concert/Workshop Venues	\$2,896.00
Shoalhaven Historical Society	Nowra Museum - Rent Subsidy	\$1,318.00
Shoalhaven Pistol Club	Annual Rates Subsidy	\$525.00
Sussex Inlet Foundation for Community Development Inc	Sussex Inlet Foundation for Community Development Rent Support	\$12,000.00
Tomerong School of Arts Inc.	Tomerong School of Arts Inc.	\$3,660.00
Treading Lightly Inc.	Rental Subsidy for Community Hub for NFPs and Groups	\$25,800.00
Wandandian Progress Association	Wandandian Progress Grant	\$1,250.00
Shoalhaven Walking Together Alliance Inc	Shoalhaven First Nations Film Festival	\$1,500.00
City of Shoalhaven Eisteddfod Inc	City of Shoalhaven Eisteddfod Competition	\$12,000.00

3. Advise the remaining applicants that their application for the Community Donations Program

have been unsuccessful.

FOR: Clr Copley, Clr Ell, 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

RESOLVED (FORESHADOWED MOTION) (Clr Christen / Clr Norris)

MIN24.393

That Council

1. Note the information in the report outlining the process followed for the 2024/2025 Community Donations Program, including the applications received.
2. Approve the funding of the 2024/2025 Community Donations recommended by the Community Donations Panel, totalling \$139,850.00 to the following community organisations and community groups in the Shoalhaven:

Organisation	Donation For:	Amount Recommended
Bravehearts Foundation Limited	Bravehearts Ditto's Keep Safe Adventure Personal Safety Program	\$4,000.00
Five Villages Community Garden	Five Villages Community Garden	\$2,000.00
Growing Together South Coast Inc	Food for Thought	\$6,300.00
Milton Ulladulla String Orchestra (MUSO)	Milton Ulladulla String Orchestra (MUSO)	\$3,000.00
Milton Ulladulla Youth Driver Education	Milton Ulladulla Youth Driver Education	\$19,000.00
Mission Australia - Southern Shoalhaven Youth Services	Youth Beat Outreach Project	\$2,000.00
Shoalhaven Youth Orchestra Inc.	Shoalhaven Youth Orchestra	\$16,000.00
The Ulladulla & Districts Community Resource Centre	Up and Go Service	\$5,000.00
Walking Football NSW	Introduction and Development of Walking Football/Soccer for Seniors, People with Disabilities or Socially withdrawn or Isolated	\$1,000.00
Callala Bay Community Association Inc	Breakfast by the Bay- Community Australia Day Event	\$800.00
Rotary Club of Milton Ulladulla	Ulladulla Blessing of the Fleet Festival	\$10,000.00
Sanctuary Point Community Pride Inc	2025 Neighbour Day	\$500.00
Shoalcoast Community Legal Centre	Shoalhaven Koori Touch Football Competition	\$1,000.00

Shoalhaven Food Network	Autumn Celebration of Food	\$7,500.00
The Lions Club of Bomaderry Nowra Inc	Bomaderry Nowra Lions Annual Carols in the Park	\$5,000.00
Berry Branch of the CWA	Berry Branch CWA Rates	\$2,500.00
Friends of Callala Seniors Group	Friends of Callala Seniors Group	\$1,953.00
Manyana & Districts CPSA	Manyana & Districts CPSA	\$1,188.00
Mollymook Bridge Club Inc.	Subsidised Rental, Rates & Use of Council Facilities	\$2,160.00
Music Shoalhaven Inc	Music Shoalhaven Classical Concert Series	\$1,500.00
Shoalhaven City Concert Band	Weekly Hire of Rehearsal Venue and Concert/Workshop Venues	\$2,896.00
Shoalhaven Historical Society	Nowra Museum - Rent Subsidy	\$1,318.00
Shoalhaven Pistol Club	Annual Rates Subsidy	\$525.00
Sussex Inlet Foundation for Community Development Inc	Sussex Inlet Foundation for Community Development Rent Support	\$12,000.00
Tomerong School of Arts Inc.	Tomerong School of Arts Inc.	\$3,660.00
Treading Lightly Inc.	Rental Subsidy for Community Hub for NFPs and Groups	\$25,800.00
Wandandian Progress Association	Wandandian Progress Grant	\$1,250.00

3. Advise the remaining applicants that their application for the Community Donations Program have been unsuccessful.
4. Undertakes a second round of Community Donations using the remaining balance of the 2024/2025 Community Donations Budget.

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

AGAINST: Clr White and Clr Gray

CARRIED

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

CL24.216 Policy - Fee Waivers Subsidies and Support

**HPERM Ref:
D24/288331**

RESOLVED* (Clr White / Clr Christen)

MIN24.394

That Council adopt the Fee Waivers Subsidies Policy as amended.

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

CL24.217 Investment Report - June 2024

**HPERM Ref:
D24/290286**

RESOLVED* (Clr White / Clr Christen)

MIN24.395

That Council:

1. Receive the Record of Investments for the period to 30 June 2024.
2. Note that Council's total Investment Portfolio returned 5.06% per annum for the month of June 2024, outperforming the benchmark AusBond Bank Bill Index (4.35% pa) by seventy-one basis points (0.71%).

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

CL24.218 Berry Planning and Heritage Considerations: Proposed Amendments to Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014

**HPERM Ref:
D24/171688**

Note: Deputations were received on this item.

Recommendation

That Council:

1. Endorse the preparation of a Planning Proposal to amend Schedule 5 of Shoalhaven Local Environmental Plan (LEP) 2014 to introduce the following, as specified in this report and attachments:
 - a. A new Heritage Conservation Area (HCA) in the area of Princess Street, Berry
 - b. Nine new heritage items located within the proposed Princess Street HCA boundary at Berry, including;
 - i. 19 Prince Alfred Street (Victorian cottage),
 - ii. 29 Prince Alfred Street (Inter-war bungalow),
 - iii. 30 Prince Alfred Street (Late Victorian Cottage),
 - iv. 40 Prince Alfred Street (Federation weatherboard House),
 - v. 44 Princess Street (Weatherboard and fibro bungalow),
 - vi. 62 Princess Street and 85 Victoria Street (known as Alexandra Park),
 - vii. Part of 66 Princess Street and the adjoining Princess Street road reserve (*Araucaria heterophylla*, Norfolk Island Pine),
 - viii. 97 Victoria Street (Inter-war Cottage), and
 - ix. Sandstone Kerbing on the western side of Prince Alfred Street, between Queen and Victoria Streets.
 - c. Nine new heritage items located outside of the proposed Princess Street HCA boundary, but within the area of Berry east of the Princes Highway/bypass, including:
 - i. 45 Prince Alfred Street (Inter-war weatherboard bungalow),
 - ii. 73 Victoria Street (Federation Weatherboard Cottage),

- iii. 17 Albany Street (Victorian Brick Residence),
 - iv. 30 Alexandra Street (Inter-war House),
 - v. 40 Alexandra Street (Federation bungalow),
 - vi. 53 Queen Street (Inter-war Weatherboard Cottage),
 - vii. 59 Queen Street (Federation Weatherboard Cottage),
 - viii. 68 Queen Street (Federation Weatherboard Cottage), and
 - ix. 70 Queen Street (Inter-war Weatherboard Bungalow).
2. Submit the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway determination and if favourable:
 - a. Proceed to formal public exhibition in accordance with the terms of the determination and legislative requirements; and
 - b. Receive a further report following the conclusion of the exhibition period.
 3. Endorse the preparation of a draft new chapter for inclusion in the Shoalhaven Development Control Plan (DCP) 2014 for the area of Berry east of the Princess Highway/bypass, with the work to be undertaken in-house by Council staff and receive a further report on the draft chapter prior to public exhibition.
 4. Subject to the outcome of Part 3, run the public exhibition of the Planning Proposal and draft new DCP chapter concurrently.
 5. Advise key stakeholders, including (not exclusively) the Berry Forum, Berry Chamber of Commerce, Berry & District Historical Society and relevant landowners, of this resolution and the public exhibition arrangements for future related exhibitions.

RESOLVED (Clr Copley / Clr Gray)

MIN24.396

That Council:

1. Endorse the preparation of a Planning Proposal to amend Schedule 5 of Shoalhaven Local Environmental Plan (LEP) 2014 to introduce the following, as specified in this report and attachments:
 - a. A new Heritage Conservation Area (HCA) in the area of Princess Street, Berry
 - b. Nine new heritage items located within the proposed Princess Street HCA boundary at Berry, including;
 - i. 19 Prince Alfred Street (Victorian cottage),
 - ii. 29 Prince Alfred Street (Inter-war bungalow),
 - iii. 30 Prince Alfred Street (Late Victorian Cottage),
 - iv. 40 Prince Alfred Street (Federation weatherboard House),
 - v. 44 Princess Street (Weatherboard and fibro bungalow),
 - vi. 62 Princess Street and 85 Victoria Street (known as Alexandra Park),
 - vii. Part of 66 Princess Street and the adjoining Princess Street road reserve (*Araucaria heterophylla*, Norfolk Island Pine),
 - viii. 97 Victoria Street (Inter-war Cottage), and
 - ix. Sandstone Kerbing on the western side of Prince Alfred Street, between Queen and Victoria Streets.
 - c. Nine new heritage items located outside of the proposed Princess Street HCA boundary, but within the area of Berry east of the Princes Highway/bypass, including:

- i. 45 Prince Alfred Street (Inter-war weatherboard bungalow),
 - ii. 73 Victoria Street (Federation Weatherboard Cottage),
 - iii. 17 Albany Street (Victorian Brick Residence),
 - iv. 30 Alexandra Street (Inter-war House),
 - v. 40 Alexandra Street (Federation bungalow),
 - vi. 53 Queen Street (Inter-war Weatherboard Cottage),
 - vii. 59 Queen Street (Federation Weatherboard Cottage),
 - viii. 68 Queen Street (Federation Weatherboard Cottage), and
 - ix. 70 Queen Street (Inter-war Weatherboard Bungalow).
2. Submit the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway determination and if favourable:
 - a. Proceed to formal public exhibition in accordance with the terms of the determination and legislative requirements; and
 - b. Receive a further report following the conclusion of the exhibition period.
 3. Endorse the preparation of a draft new chapter for inclusion in the Shoalhaven Development Control Plan (DCP) 2014 for the area of Berry east of the Princess Highway/bypass, with the work to be undertaken in-house by Council staff and receive a further report on the draft chapter prior to public exhibition.
 4. Subject to the outcome of Part 3, run the public exhibition of the Planning Proposal and draft new DCP chapter concurrently.
 5. Advise key stakeholders, including (not exclusively) the Berry Forum, Berry Chamber of Commerce, Berry & District Historical Society and relevant landowners, of this resolution and the public exhibition arrangements for future related exhibitions.

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

AGAINST: Clr Kitchener

CARRIED

CL24.219 Opportunities and Implications - Adjusting Payment Timing - Infrastructure Levies (Section 7.11 & Section 64)

HPERM Ref: D24/263138

RESOLVED* (Clr Christen / Clr Gray)

MIN24.397

That Council:

1. Receive this report for information.
2. Not pursue any changes to the existing payment timings for the payment of Section 7.11 Development Contributions and Section 64 Headworks Charges.

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

CL24.220 Proposed Public Exhibition - Moss Vale Road North Urban Release Area - Draft Development Controls and Local Infrastructure Contributions Framework

**HPERM Ref:
D24/290244**

RESOLVED* (Clr Christen / Clr Gray)

MIN24.398

That Council:

1. Proceed to publicly exhibit the draft Development Control Plan Chapter (**Attachment 1**) and proposed Local Infrastructure Contributions Framework (**Attachment 2**, noting the 'yellow' highlighted items will be updated/finalised prior to exhibition) for the Moss Vale Road North Urban Release Area for review and comment.
2. Delegate authority to the CEO (or delegate), to make minor adjustments to the two documents prior to any public exhibition that do not alter the intent of the documents (e.g. minor formatting and labelling of figures).
3. Receive a further report following the public exhibition to consider any feedback received on the two documents and the work necessary to complete them.
4. Give 'in principle' support and delegation to the CEO to apply for a grant under Stream 2 of the Australian Governments Housing Support Program by the deadline of 16 August 2024, with the aim of fully funding relevant essential infrastructure components to support this new Urban Release Area where practically possible.
5. Request updates on the grant application via Councillor briefings or newsletter given the short deadline timeframe involved.

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

CL24.221 Open Stormwater Drains Maintenance - Culburra Beach/Orient Point - Prince Edward Ave/The Triangle - Inspections Outcome/Green & Golden Bell Frog/Statutory Requirements

**HPERM Ref:
D24/281969**

Recommendation

That Council note the report updating Council on the actions related to drainage maintenance in the Culburra area.

RESOLVED (Clr Eil / Clr White)

MIN24.399

That Council note the report updating Council on the actions related to drainage maintenance in the Culburra area.

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

CL24.222 Increase in Scope and Contract Value - Comerong Island Levee Remediation Works

**HPERM Ref:
D24/286985**

RESOLVED* (Clr Copley / Clr Kotlash)

MIN24.400

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

CARRIED

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 - Adjournment of Meeting

RESOLVED (Clr Eil / Clr White)

MIN24.401

That the meeting be adjourned for 5 minutes, the time being 8:08pm

CARRIED

The meeting reconvened, the time being 8:14pm

The following members were present:

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

CL24.223 Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity

**HPERM Ref:
D24/196331**

Note: Deputations were received on this item.

Clr Kitchener - CL24.223 - Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity – Less than significant non pecuniary interest declaration – he owns a dog and walks at permissible beach locations – remained in the room and took part in discussion and vote.

Clr Eil – CL24.223 - Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity - Less than significant non pecuniary interest declaration – community members and Liberal Party members involved in advocacy on this matter are known to him – remained in the room and took part in discussion and vote.

Clr Boyd - CL24.223 - Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity - Less than significant non pecuniary interest declaration – people involved are known to her – remained in the room and took part in discussion and vote.

Clr Copley - CL24.223 - Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity - Less than

Minutes Confirmed Monday 12 August 2024 – Chairperson

significant non pecuniary interest declaration – community members and Liberal Party members involved in advocacy on this matter are known to her – remained in the room and took part in discussion and vote.

Clr D'Ath - CL24.223 - Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity - Less than significant non pecuniary interest declaration – people involved are known to her – remained in the room and took part in discussion and vote.

Recommendation

That Council:

1. In accordance with the *Companion Animals Act 1998* (NSW), the Shoalhaven City Council *Access Areas for Dogs Policy* (ref. POL23/69, amended: 11/12/2023), and the Review of Environmental Factors (titled: *Review of Environmental Factors (REF) – Dog Off-Leash Access – Narrawallee Beach, Narrawallee* [certified under delegation on: 02/05/2024]), make the following dog access designations for public recreation and wildlife protection areas at Narrawallee Beach and surrounding areas as illustrated in **Attachment 7: Map - Proposed Dog Access Arrangements**:
 - a. Dogs be prohibited in the area north of 'BA8'.
 - b. A timed dog off-leash area be implemented south of 'BA8' and north of 'BA3' (also known as Matron Porter Drive Beach Access Track), during the following times:
 - i. Australian Eastern Daylight Savings Time: **4pm to 8am**;
 - ii. Australian Eastern Standard Time: **3pm to 10am**.
 - c. Permit dogs to be on-leash south of 'BA8' and north of 'BA3' (also known as Matron Porter Drive Beach Access Track), during the following times:
 - i. Australian Eastern Daylight Savings Time: **8am to 4pm**;
 - ii. Australian Eastern Standard Time: **10am to 3pm**.
 - d. Dogs be prohibited in the area south of BA3 (also known as Matron Porter Drive Beach Access Track).
2. Direct the CEO (Director – City Development) to implement a public awareness and education campaign for 5 weeks from the date of this resolution, concluding on 31 August 2024, during which:
 - a. Interim dog access arrangements (for public recreation areas and wildlife protection areas) at Narrawallee Beach and surrounding areas will remain in effect, in accordance with MIN23.661;
 - b. Verbal warnings (only) shall be issued for eligible access related infringements for designated dog access areas listed in part 1 of this resolution (for public recreation areas and wildlife protection areas) at Narrawallee Beach and surrounding areas, noting that Council maintains a zero tolerance approach to enforcing other matters (including dog registration and dog attacks) in accordance with MIN20.264.
3. In accordance with the *Companion Animals Act 1998* (NSW) and any other related act, direct the CEO (Director – City Development) to enforce designated dog access areas (for public recreation areas and wildlife protection areas) at Narrawallee Beach and surrounding areas, in accordance with part 1 of this resolution, including the issue of penalty notices for any infringements, from (not before): **1 September 2024**.
4. In accordance with Section 14 of the *Companion Animals Act 1998* (NSW), the Shoalhaven City Council *Access Areas for Dogs Policy* (amended: 11/12/2023), and the designated dog access areas listed in part 1 of this resolution, direct the CEO (Director – City Lifestyles) to:

- a. Amend the site-specific designated dog access area information for public recreation areas and wildlife protection areas at Narrawallee Beach and surrounding areas listed in on Council's website.
 - b. Coordinate the design, fabrication, and installation of notices for public recreation areas and wildlife protection areas (signage) at Narrawallee Beach and surrounding areas for dog prohibited and dog off-leash areas.
5. Acknowledge the high-level of community interest in dog access arrangements at Narrawallee Beach, and in doing so, direct the CEO (Manager – Media & Communications) to issue notices (communication materials) as necessary to thank the Narrawallee Beach community (dog walkers and those seeking to avoid contact with dogs alike) for:
- a. Their engagement with Shoalhaven City Council officers and elected officials since November 2023;
 - b. Providing feedback during community consultation undertaken in May 2024;
 - c. Participating in a live community information session held on 18 June 2024;
 - d. Providing additional (late) feedback following the conclusion of community consultation and in the lead-up to the Council's consideration of this matter.

MOTION (Clr White / Clr Watson)

That Council:

1. Defer a decision on new designations for dog prohibited and dog off-leash areas for public recreation and wildlife protection areas at Narrawallee Beach and surrounding areas until a new Council is appointed following local government elections scheduled for September 2024.
2. Direct the CEO (Director – City Lifestyles) to re-table the Narrawallee Beach Dog Access - Review of Environmental Factors and Proposed Permanent Dog Access Arrangements - Outcome of Engagement Activity report in the business papers for a future Ordinary Council Meeting, after a full briefing, once a new Council is appointed following Local Government Elections scheduled for September 2024.

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

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

LOST

RESOLVED(FORESHADOWED MOTION) (Clr Christen / Clr Norris)

MIN24.402

That Council:

1. In accordance with the *Companion Animals Act 1998* (NSW), the Shoalhaven City Council *Access Areas for Dogs Policy* (ref. POL23/69, amended: 11/12/2023), and the Review of Environmental Factors (titled: *Review of Environmental Factors (REF) – Dog Off-Leash Access – Narrawallee Beach, Narrawallee* [certified under delegation on: 02/05/2024]), make the following dog access designations for public recreation and wildlife protection areas at Narrawallee Beach and surrounding areas as illustrated in **Attachment 7: Map - Proposed Dog Access Arrangements**:
 - a. Dogs be prohibited in the area north of 'BA8'.
 - b. A timed dog off-leash area be implemented south of 'BA8' and north of 'BA3' (also known as Matron Porter Drive Beach Access Track), during the following times:
 - i. Australian Eastern Daylight Savings Time: **4pm to 8am**;
 - ii. Australian Eastern Standard Time: **3pm to 10am**.

- c. Permit dogs to be on-leash south of 'BA8' and north of 'BA3' (also known as Matron Porter Drive Beach Access Track), during the following times:
 - i. Australian Eastern Daylight Savings Time: **8am to 4pm;**
 - ii. Australian Eastern Standard Time: **10am to 3pm.**
 - d. Dogs be prohibited in the area south of BA3 (also known as Matron Porter Drive Beach Access Track).
2. Direct the CEO (Director – City Development) to implement a public awareness and education campaign for 5 weeks from the date of this resolution, concluding on 31 August 2024, during which:
 - a. Interim dog access arrangements (for public recreation areas and wildlife protection areas) at Narrawallee Beach and surrounding areas will remain in effect, in accordance with MIN23.661;
 - b. Verbal warnings (only) shall be issued for eligible access related infringements for designated dog access areas listed in part 1 of this resolution (for public recreation areas and wildlife protection areas) at Narrawallee Beach and surrounding areas, noting that Council maintains a zero tolerance approach to enforcing other matters (including dog registration and dog attacks) in accordance with MIN20.264.
 3. In accordance with the *Companion Animals Act 1998* (NSW) and any other related act, direct the CEO (Director – City Development) to enforce designated dog access areas (for public recreation areas and wildlife protection areas) at Narrawallee Beach and surrounding areas, in accordance with part 1 of this resolution, including the issue of penalty notices for any infringements, from (not before): **1 September 2024.**
 4. In accordance with Section 14 of the *Companion Animals Act 1998* (NSW), the Shoalhaven City Council *Access Areas for Dogs Policy* (amended: 11/12/2023), and the designated dog access areas listed in part 1 of this resolution, direct the CEO (Director – City Lifestyles) to:
 - a. Amend the site-specific designated dog access area information for public recreation areas and wildlife protection areas at Narrawallee Beach and surrounding areas listed in on Council's website.
 - b. Coordinate the design, fabrication, and installation of notices for public recreation areas and wildlife protection areas (signage) at Narrawallee Beach and surrounding areas for dog prohibited and dog off-leash areas.
 5. Acknowledge the high-level of community interest in dog access arrangements at Narrawallee Beach, and in doing so, direct the Direct the CEO (Manager – Media & Communications) to issue notices (communication materials) as necessary to thank the Narrawallee Beach community (dog walkers and those seeking to avoid contact with dogs alike) for:
 - a. Their engagement with Shoalhaven City Council officers and elected officials since November 2023;
 - b. Providing feedback during community consultation undertaken in May 2024;
 - c. Participating in a live community information session held on 18 June 2024;
 - d. Providing additional (late) feedback following the conclusion of community consultation and in the lead-up to the Council's consideration of this matter.

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

AGAINST: Clr White and Clr Watson

CARRIED

NOTE: A Rescission Motion was received on this item after the conclusion of the meeting.

CL24.224 Bay and Basin Boxing Club - Summary of Engagement Activities

HPERM Ref: D24/141566

Note: A deputations was received on this item.

Recommendation

That Council:

1. Accept the *Bay and Basin Boxing Club: Summary of Engagement Activities* report as a summary of the outcomes of engagement activities and investigations undertaken in accordance with Parts 3 and 4 of MIN23.623.
2. Endorse Clifton Park, Sanctuary Point, as the preferred location (site) for a facility to house the Bay and Basin Boxing Club, subject to the outcome of any future Development Application and / or conditions of development consent related to a facility at Clifton Park.
3. Direct the CEO (Director – City Lifestyles) to prepare a Project Candidate submission (including preparation of a Project Initiative and Project Mandate) for further design and investigation works related to the Bay and Basin Boxing Club’s request for a site to house a future clubhouse facility, in accordance with the requirements of Council’s enterprise Project Management Office (ePMO).
4. Subject to the completion of processes described in Part 3 of this resolution, pause any further work related to the Bay and Basin Boxing Club’s request for a site to house a future clubhouse facility until Council’s financial position improves, in accordance with MIN23.667 and other related work being undertaken to improve Council’s financial position.

RESOLVED (Clr Norris / Clr Kotlash)

MIN24.403

That this item be deferred to allow updated information including an accurate map to be provided to Councillors.

CARRIED

CL24.225 Sanctuary Point Library - Project Update #1

HPERM Ref: D24/229936

RESOLVED* (Clr Christen / Clr Kotlash)

MIN24.404

That Council:

1. Accept the *Sanctuary Point Library - Project Update #1* report as an update on the:
 - a. Close out and rescoping processes outlined in *Adaptation and Rescoping*.
 - b. Professional ethics matters associated with the adoption of designs previously delivered for a project located elsewhere, including obtaining proper permissions and ensuring the adapted design is appropriate for the new context, as outlined in *Procurement and Adaption and Rescoping*.
2. Direct the Chief Executive Officer (Director – City Lifestyles) to continue investigations into intellectual property (IP) matters associated with use of designs for the Warilla Library project as a precedent for a new library at the corner of Paradise Beach Road and Kerry Street in Sanctuary Point, by:
 - a. Engaging with Shellharbour City Council to obtain formal permission for use of IP associated with Warilla Library design.
 - b. Negotiating with Brewster Hjorth Architects (as required) regarding the use of intellectual property rights associated with the Warilla Library design, its potential adaptation and implementation, and any other associated design services required to deliver concept designs for a new capital works project.

- c. Obtaining legal advice (as required) to ensure all intellectual property matters are properly addressed and documented.
3. In accordance with Section 55(3)(a)(i) of the *Local Government Act 1993* (NSW), and subject to receipt of an acceptable fee proposal, provide delegation to the CEO to appoint Brewster Hjorth Architects for design services without inviting tenders, on the grounds of extenuating circumstances, and the following reasons:
 - a. The direct appointment is for rescoping and developing alternative design solutions for a library at Sanctuary Point using the Warilla Library as a precedent example of Council's desired outcomes.
 - b. A satisfactory result would not be achieved by inviting other tenders due to:
 - i. Efficiencies gained from Brewster Hjorth Architects' involvement in both the Warilla Library and Sanctuary Point Library projects to date, including their site knowledge and understanding of Council's requirements.
 - ii. The need to achieve these outcomes in a timely manner to maintain project viability and meet grant funding deadlines.
4. In accordance with Clause 26 (and AS4122-2010) of the agreement between Shoalhaven City Council and Brewster Hjorth Architects (ref. LD8547), and to minimise financial liability to Shoalhaven City Council, direct the CEO (Director – City Lifestyles) to terminate the existing contract with Brewster Hjorth Architects for the original Sanctuary Point Library design, noting further engagement with Brewster Hjorth Architects is facilitated through Part 3 of this resolution.
5. To minimise financial liability to Shoalhaven City Council, direct the CEO (Director – City Lifestyles) to terminate the existing contract with Public Works Advisory for project management services (related to implementation works).
6. Receive a future report on the further progression of matters outlined in the *Sanctuary Point Library - Project Update* report in October 2024.

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

CL24.226 Kangaroo Valley Men's Shed - Confirmation of Endorsed Site Following Completion of Resident Engagement

HPERM Ref: D24/196471

Note: Deputations were received on this item.

Recommendation

That Council:

1. Accept the *Kangaroo Valley Men's Shed – Confirmation of Endorsed Site Following Completion of Resident Engagement* report and note the outcomes of engagement with key stakeholders regarding the proposed establishment of a Men's Shed facility at West Moss Vale Road Reserve (Lot 7 DP 264336) in Kangaroo Valley.
2. Reconfirm in-principle endorsement for West Moss Vale Road Reserve (Lot 7 DP 264336) in Kangaroo Valley as the preferred location for a Men's Shed facility on Council owned / managed land in Kangaroo Valley, subject to the outcome of any future Development Application and / or conditions of development consent related to such a facility at West Moss Vale Road Reserve (Lot 7 DP 264336).

3. Direct the CEO (Director – City Lifestyles) to prepare a Project Candidate submission for further design and investigation works related to the Kangaroo Valley Men’s Shed’s request, in accordance with the requirements of Council’s enterprise Project Management Office (ePMO).
4. Subject to the completion of processes described at Part 3 of this resolution, pause any further work related to the Kangaroo Valley Men’s Shed’s request for a site to house a future Men’s Shed facility in Kangaroo Valley until Council’s financial position improves, in accordance with MIN23.667 and other related work to improve Council’s financial position.

RESOLVED (Clr Copley / Clr Gray)

MIN24.405

That Council:

1. Accept the *Kangaroo Valley Men’s Shed – Confirmation of Endorsed Site Following Completion of Resident Engagement* report and note the outcomes of engagement with key stakeholders regarding the proposed establishment of a Men’s Shed facility at West Moss Vale Road Reserve (Lot 7 DP 264336) in Kangaroo Valley.
2. Reconfirm in-principle endorsement for West Moss Vale Road Reserve (Lot 7 DP 264336) in Kangaroo Valley as the preferred location for a Men’s Shed facility on Council owned / managed land in Kangaroo Valley, subject to the outcome of any future Development Application and / or conditions of development consent related to such a facility at West Moss Vale Road Reserve (Lot 7 DP 264336).
3. Direct the CEO (Director – City Lifestyles) to prepare a Project Candidate submission for further design and investigation works related to the Kangaroo Valley Men’s Shed’s request, in accordance with the requirements of Council’s enterprise Project Management Office (ePMO).
4. Subject to the completion of processes described at Part 3 of this resolution, pause any further work related to the Kangaroo Valley Men’s Shed’s request for a site to house a future Men’s Shed facility in Kangaroo Valley until Council’s financial position improves, in accordance with MIN23.667 and other related work to improve Council’s financial position.

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

**CL24.227 Membership Appointment for Inclusion & Access
Advisory Committee**

**HPERM Ref:
D24/252444**

RESOLVED* (Clr Christen / Clr Kotlash)

MIN24.406

That Council:

1. Appoint Juliette Boyd 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 Expressions of Interest will now close as all vacant positions have been filled.

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

CL24.228 Resignation - Kate Dezarnaulds - Arts Advisory Committee **HPERM Ref: D24/283509**

RESOLVED* (Clr Christen / Clr Kotlash) MIN24.407

That Council:

1. Receive the resignation of Ms Kate Dezarnaulds and thank her for her contribution and commitment to the Arts Advisory Committee.
2. Note that Ms Christine Dunstan recently completed her second term on the Committee and thank her for her contribution and commitment to the Arts Advisory Committee.
3. Note the above two vacancies will be filled through the current EOI open for this Committee.

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

CL24.229 Shoalhaven City Art Collection - Acquisition of Works - Australian Artist Robert Dickerson - Cultural Gifts Program **HPERM Ref: D24/281732**

RESOLVED* (Clr Christen / Clr Kotlash) MIN24.408

That Council:

1. Accept the two works by artist Robert Dickerson offered for donation by Jennifer Dickerson into the Shoalhaven City Art Collection.
2. Proceed with an application for a Certificate of Donation via the Australian Government's Cultural Gifts Program.

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

CL24.230 Shoalhaven Arts Foundation Limited - Formation as a Not-for-Profit Public Company in Accordance With Section 358 of the NSW Local Government Act 1993 **HPERM Ref: D24/183670**

RESOLVED* (Clr Christen / Clr Kotlash) MIN24.409

That:

1. Council approves the formation of the Shoalhaven Arts Foundation Limited (**Foundation**) as a not-for-profit organisation, constituted as a public company limited by guarantee under the *Corporations Act 2001* (Cth), (and intended to be registered as a charitable institution with deductible gift recipient status) established to promote cultural activities and arts within Shoalhaven.
2. Council confirm that the Foundation will operate independently from Council under the model proposed in that:
 - a. While Council will have representative directors on the Board of the Foundation, the Foundation's governance, management, strategic planning, oversight and decision-making will be at all times within the control of the Board of the Foundation which is intended to be controlled by individuals independent of Council;

- b. The Directors will be indemnified by the Foundation from liability to the extent permitted by law and the Foundation will maintain insurance for Directors for any liability incurred by Directors; and
 - c. Council's liability as a member of the Foundation is limited to \$100.00 should the Foundation become insolvent or wound up.
3. Council, pursuant to section 358(1) of the *Local Government Act 1993*, makes an application to the Office of Local Government seeking the consent of the Minister for Local Government for the formation of such a Foundation as a company limited by guarantee under the proposed name of Shoalhaven Arts Foundation Limited in accordance with the application attached as Attachment 3.
 4. Council, subject to Ministerial consent, the Foundation will make an application to be a registered charity with the Australian Charities and Not-for-profits Commission (ACNC) and to apply for Deductible Gift Recipient (DGR) status with the Australian Taxation Office (ATO).
 5. Council delegates to the Chief Executive Officer the authority to:
 - a. Finalise and submit to the Office of Local Government the application seeking the consent of the Minister for Local Government for the formation of the Foundation as a company limited by guarantee pursuant to section 358 of the *Local Government Act 1993*.
 - b. With Ministerial consent granted:
 - i. Proceed to incorporate the Foundation as a company limited by guarantee and to undertake all necessary acts as part of the incorporation and formation of the Foundation; and
 - ii. Proceed to make an application with the Australian Charities and Not-for-profits Commission (ACNC), to seek Deductible Gift Recipient (DGR) status and any other applicable tax concessions with the Australian Taxation Office (ATO) and to advise other relevant government bodies.
 6. Council advise the Arts Advisory Committee of the actions being taken by Council.
 7. A further report be provided to Council on the outcome of the Minister's consideration of the application made in accordance with section 358 of the *Local Government Act 1993* and actions proposed to proceed with the formation of the Shoalhaven Arts Foundation Limited.

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

CL24.231 South Coast Arts - Renewal of Memorandum of Understanding (MOU) 2025 - 2029

**HPERM Ref:
D24/286118**

RESOLVED* (Clr Christen / Clr Kotlash)

MIN24.410

That Council:

1. Support the continued development and ongoing operations of the South Coast Arts (NSW) Inc.
2. Continue to allocate \$45,749 (+GST) funding from the general funds in the 2025/26 FY budget as Council's financial contribution, and recurrent funding + 3.5% increase year on year thereafter, for the term of the Memorandum of Understanding (MOU).
3. Approve under delegation that the Chief Executive Officer (Director City Lifestyles) enter into a Memorandum of Understanding (MOU) with South Coast Arts (NSW) Inc. for the period 1 January 2025 to 31 December 2029.

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

Item dealt with earlier in the meeting see MIN24.391.

CL24.232 Notice of Motion - Request for an Urgent Review of the Entrance Management Plan for Shoalhaven Heads

HPERM Ref:
D24/303320

Note: Deputations were received on this item.

Recommendation

It is recommended that with respect to the Lower Shoalhaven River Coastal Management Program that Council:

1. As a matter of policy and priority, remove the review of the Shoalhaven River Entrance Management Plan for Flood Mitigation (EMP) from the workflow program associated with the Lower Shoalhaven River Coastal Management Program.
2. Prioritise the EMP for urgent review to reduce flooding for Shoalhaven Heads and surrounding residents.
3. Prioritise funding as part of the Quarterly Budget Review.
4. Direct the CEO (Director City Development) to ensure the Shoalhaven Heads Estuary Taskforce is briefed and consulted on the EMP review with all reports and recommendations to go via the Shoalhaven Heads Estuary Taskforce prior to being reported to Council for consideration.

MOTION (Clr Copley / Clr Eil)

That with respect to the Lower Shoalhaven River Coastal Management Program that Council:

1. As a matter of policy and priority, remove the review of the Shoalhaven River Entrance Management Plan for Flood Mitigation (EMP) from the workflow program associated with the Lower Shoalhaven River Coastal Management Program.
2. Prioritise the EMP for urgent review to reduce flooding for Shoalhaven Heads and surrounding residents.
3. Prioritise funding as part of the Quarterly Budget Review.
4. Direct the CEO (Director City Development) to ensure the Shoalhaven Heads Estuary Taskforce is briefed and consulted on the EMP review with all reports and recommendations to go via the Shoalhaven Heads Estuary Taskforce prior to being reported to Council for consideration.

Note: This item was reintroduced later in the meeting. See MIN24.414

Procedural Motion - Bring Item Forward

RESOLVED (Clr Findley / Clr Kotlash)

MIN24.411

That the matter of item CL24.233 Notice of Motion - Dog Access to Bherwerre Wetlands Boardwalk be brought forward for consideration and following this item, Council will reintroduce CL24.232 Notice of Motion - Request for an Urgent Review of the Entrance Management Plan for Shoalhaven Heads for resolution.

CARRIED

CL24.233 Notice of Motion - Dog Access to Bherwerre Wetlands Boardwalk

HPERM Ref: D24/303461

Recommendation

That Council:

1. Direct the CEO to include the Bherwerre Wetlands for evaluation as a dog prohibited area in accordance with the Access Areas for Dogs Policy and MIN23.740.
2. That the evaluation be undertaken in the same manner, and via the same processes as required for all coastal dog access and/or prohibited areas in the context of environmental and social impacts and/or benefits.
3. Provide a future report back to Council on the outcome of the evaluation.

RESOLVED (Clr Kotlash / Clr Christen)

MIN24.412

That Council:

1. Direct the CEO to include the Bherwerre Wetlands for evaluation as a dog prohibited area in accordance with the Access Areas for Dogs Policy and MIN23.740.
2. That the evaluation be undertaken in the same manner, and via the same processes as required for all coastal dog access and/or prohibited areas in the context of environmental and social impacts and/or benefits.
3. Provide a future report back to Council on the outcome of the evaluation.

CARRIED

Procedural Motion - Reintroduction of Item

RESOLVED (Clr Kotlash / Clr Findley)

MIN24.413

That CL24.232 Notice of Motion - Request for an Urgent Review of the Entrance Management Plan for Shoalhaven Heads be reintroduced for discussion to allow for a resolution to be determined.

CARRIED

CL24.232 Notice of Motion - Request for an Urgent Review of the Entrance Management Plan for Shoalhaven Heads

HPERM Ref: D24/303320

Note: Deputations were received on this item.

Recommendation

It is recommended that with respect to the Lower Shoalhaven River Coastal Management Program that Council:

1. As a matter of policy and priority, remove the review of the Shoalhaven River Entrance Management Plan for Flood Mitigation (EMP) from the workflow program associated with the

Lower Shoalhaven River Coastal Management Program.

2. Prioritise the EMP for urgent review to reduce flooding for Shoalhaven Heads and surrounding residents.
3. Prioritise funding as part of the Quarterly Budget Review.
4. Direct the CEO (Director City Development) to ensure the Shoalhaven Heads Estuary Taskforce is briefed and consulted on the EMP review with all reports and recommendations to go via the Shoalhaven Heads Estuary Taskforce prior to being reported to Council for consideration.

AMENDMENT (Clr Norris / Clr Gray)

That Council:

1. Acknowledge the Shoalhaven Heads community have expressed their urgency regarding review of the Entrance Management Plan, trigger levels and regulatory requirements.
2. Acknowledge the current work program completed or underway on: Flood Modelling; Floor Level Surveys; Floodplain Risk Management Study/Plan; and, Coastal Management Program, that will appropriately inform a review of the Entrance Management Plan.
3. Direct the CEO (Director, City Development) to continue the drafting of the Lower Shoalhaven River Coastal Management Program, and give priority to the review of the Entrance Management Plan as an action and outcome.
4. That the CMP incorporates extensive community consultation, with the results of public exhibition including and accounting for local resident views as part of assessment of the entrance management plan (EMP).
5. Ensure the Shoalhaven Heads Estuary Taskforce is briefed and consulted on the EMP review by December 2024, giving an intended approach to: proposed revised licence conditions; community consultation; and, progression to relevant State Government Departments and NSW Crown Lands for intended determination by mid 2025.

The AMENDMENT was accepted by mover and seconder and became the MOTION.

RESOLVED (Clr Copley / Clr Eil)

MIN24.414

That Council:

1. Acknowledge the Shoalhaven Heads community have expressed their urgency regarding review of the Entrance Management Plan, trigger levels and regulatory requirements.
2. Acknowledge the current work program completed or underway on: Flood Modelling; Floor Level Surveys; Floodplain Risk Management Study/Plan; and, Coastal Management Program, that will appropriately inform a review of the Entrance Management Plan.
3. Direct the CEO (Director, City Development) to continue the drafting of the Lower Shoalhaven River Coastal Management Program, and give priority to the review of the Entrance Management Plan as an action and outcome.
4. That the CMP incorporates extensive community consultation, with the results of public exhibition including and accounting for local resident views as part of assessment of the entrance management plan (EMP).
5. Ensure the Shoalhaven Heads Estuary Taskforce is briefed and consulted on the EMP review by December 2024, giving an intended approach to: proposed revised licence conditions; community consultation; and, progression to relevant State Government Departments and NSW Crown Lands for intended determination by mid 2025.

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)

MIN24.415

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.

CCL24.22 Increase in Scope and Contract Value - Comerong Island Levee Remediation Works

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

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

CARRIED

The meeting moved into confidential the time being 9:25pm.

The meeting moved into open session, the time being 9:32pm.

Procedural Motion – Extension of Meeting

RESOLVED (Clr Copley / Clr Norris)

MIN24.416

That the meeting be extended until 9.40pm to allow the CEO to read to the public the resolutions made during confidential session.

CARRIED

REPORT FROM CONFIDENTIAL SESSION

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

**CCL24.22 Increase in Scope and Contract Value - Comerong Island
Levee Remediation Works**

**HPERM Ref:
D24/288023**

RESOLVED

MIN24.417C

That:

1. Council endorses the recommendation from NSW Public Works and accepts the proposed increase in Scope and Contract Value from Brown Environmental Earthworks Planning for Comerong Island Levee Remediation Works for an additional cost of \$518,621.55 (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 (Directorate City Services).

CARRIED

Minutes Confirmed Monday 12 August 2024 – Chairperson

There being no further business, the meeting concluded, the time being 9:34pm.

Clr Findley
CHAIRPERSON