

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 14 October 2024
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.35pm

The following members were present:

Mayor Patricia White - Chairperson
Clr Luciano Casmiri
Clr Karlee Dunn
Clr Jason Cox
Clr Peter Wilkins
Clr Bob Proudfoot
Clr Jemma Tribe
Clr Matthew Norris
Clr Gillian Boyd
Clr Natalee Johnston
Clr Ben Krikstolaitis
Clr Selena Clancy

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

An apology was received from Clr Pakes.

Confirmation of the Minutes

RESOLVED (Clr Norris / Clr Boyd) MIN24.489

That the Minutes of the Ordinary Meeting held on Monday 12 August 2024 and the Extra Ordinary Meeting held on Thursday 5 September 2024 be confirmed.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

Declaration of Interests

During the meeting Clr Casmiri declared a pecuniary interest on item CL24.276 - Rescission Motion - MM24.29 Mayoral Minute - Caps on Short Term Rental Accommodation in New Residential Subdivisions – owns Short Term Rental Accommodation in the Shoalhaven – left the room and did not take part in discussion or vote.

Presentation of Petitions

Clr Norris tabled a petition containing 285 signatures which reads: “We the undersigned, respectfully request that council urgently investigate the possibility of the Kangaroo Valley (KV) Community Pool being given special dispensation for the reduced operating hours. We base our case upon the following facts:

The village should not be subjected to the same cuts as the coastal pools as KV is extremely hot in summer. Residents need to travel 40 mins to a beach, pool or waterway to swim.

As a village our community resilience has been impacted over the past 5 years with the extreme weather events catastrophic bushfires, landslips and road closures.

We require a safe place for kids to swim as the river is not appropriate for all swimmer levels.

The older population need this facility for their wellbeing, fitness and health.

The Kangaroo Valley Public School Learn to Swim programs need the pool in the summer months.”

MAYORAL MINUTE

Introduction of Items as Matters of Urgency

RESOLVED (Clr Norris / Clr Cox) MIN24.490

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

1. MM24.35 Mayoral Minute - Congratulations to All Councillors on taking their Oath or Affirmation of Office
2. MM24.36 Mayoral Minute - Mayors First Official Engagement - Yila Healing Trail Corroboree

CARRIED

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

MM24.32 Mayoral Minute - Congratulations - 2024 Churchill Trust Fellowships Winners **HPERM Ref: D24/430343**

Recommendation

That Council write to Avalon Bourne and Dean Gilligan to congratulate them on being awarded 2024 Churchill Trust Fellowships for their research projects.

RESOLVED (Clr White / Clr Clancy) MIN24.491

That Council write to Avalon Bourne and Dean Gilligan to congratulate them on being awarded 2024 Churchill Trust Fellowships for their research projects.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

Procedural Motion - Move Item

RESOLVED (Clr Proudfoot / Clr Boyd) MIN24.492

That the matter of item MM24.33 - Mayoral Minute - Shoalhaven Development Control Plan 2014, Chapter G4 Tree and Vegetation Management - 45 Degree Rule, be considered following the deputations.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

MM24.33 Mayoral Minute - Shoalhaven Development Control Plan 2014, Chapter G4 Tree and Vegetation Management - 45 Degree Rule	HPERM REF: D24/431925
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Item dealt with later in the meeting see MIN24.498

MM24.34 Mayoral Minute - Establishment of Finance Committee of Council	HPERM Ref: D24/431944
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Recommendation

That Council:

1. Undertake immediate steps to appoint a Council Committee called the “Shoalhaven City Council Financial Review Panel” with membership consisting of:
 - a. Councillor from each Ward – to be elected
 - b. Mayor
 - c. Chief Executive Officer
 - d. Chief Finance Officer
 - e. Director City Performance
 - f. Five (5) community members with demonstrated financial experience and acumen.
2. Endorse the following role of the Committee:
 - a. Provide informed advice and recommendations on financial matters to facilitate sound decision making
 - b. Provide assurance on sound financial practice and reporting
 - c. Provide expert advice on the long-term financial sustainability of Council
 - d. Review the efficacy of Council’s long-term financial plans and strategies
 - e. Review action plans aimed at delivering financial performance
 - f. Identify specific financial concerns and matters.

- g. Act as an advisory conduit between the community and Council on financial concerns
- 3. Establish a meeting schedule as a priority.
- 4. Rescind previous recommendations for Council Budget Review Panel.
- 5. Report back to Council in November for the finalisation of membership of the Committee.

RESOLVED (Clr White / Clr Clancy)

MIN24.493

That Council:

1. Undertake immediate steps to appoint a Council Committee called the "Shoalhaven City Council Financial Review Panel" with membership consisting of:
 - a. Councillor from each Ward - to be elected, noting that all Councillors have a right to attend meetings
 - b. Mayor
 - c. Chief Executive Officer
 - d. Chief Finance Officer
 - e. Director City Performance
 - f. Five (5) community members with demonstrated financial experience and acumen.
2. Endorse the following role of the Committee:
 - a. Provide informed advice and recommendations on financial matters to facilitate sound decision making.
 - b. Provide assurance on sound financial practice and reporting.
 - c. Provide expert advice on the long-term financial sustainability of Council.
 - d. Review the efficacy of Council's long-term financial plans and strategies.
 - e. Review action plans aimed at delivering financial performance.
 - f. Identify specific financial concerns and matters.
 - g. Act as an advisory conduit between the community and Council on financial concerns.
3. Establish a meeting schedule as a priority.
4. Rescind previous recommendations for Council Budget Review Panel.
5. Form a panel consisting of the CEO, CFO and the Mayor to develop the Terms of Reference in consultation with Councillors, and report back to the 28 October 2024 meeting for endorsement by Council.
6. Report back to Council in November for the finalisation of membership of the Committee.
7. Review the efficiency and effectiveness of the Committee after one year of operation.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

MM24.35 Mayoral Minute - Congratulations to All Councillors on taking their Oath or Affirmation of Office

**HPERM Ref:
D24/438043**

Recommendation

That Council:

1. Welcomes all the newly elected, re-elected and former Councillors to Council and congratulates them all on taking the Oath or Affirmation of Office on Friday 11 October 2024.
2. Thanks Minister Peter Dover from Salt Ministries for his blessing and ongoing support of Council.

RESOLVED (Clr White)

MIN24.494

That Council:

1. Welcomes all the newly elected, re-elected and former Councillors to Council and congratulates them all on taking the Oath or Affirmation of Office on Friday 11 October 2024.
2. Thanks Minister Peter Dover from Salt Ministries for his blessing and ongoing support of Council

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

MM24.36 Mayoral Minute - Mayors First Official Engagement - Yila Healing Trail Corroboree

**HPERM Ref:
D24/438070**

Recommendation

That Council notes Mayor Patricia White's first official community engagement, attending the Yila Healing Trail Corroboree on Friday 11 October 2024.

RESOLVED (Clr White)

MIN24.495

That Council notes Mayor Patricia White's first official community engagement, attending the Yila Healing Trail Corroboree on Friday 11 October 2024.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

Note: The Mayor invited Aunty Grace from Jerringa Tribal Council to provide a Welcome to Country for the first meeting of this Council term.

DEPUTATIONS AND PRESENTATIONS

MM24.33 - Mayoral Minute - Shoalhaven Development Control Plan 2014, Chapter G4 Tree and Vegetation Management - 45 Degree Rule

Ms Carlene Timbs addressed the meeting to speak FOR the recommendation

Mr Neville Green withdrew his deputation and did not address the meeting

CL24.277 - Rescission Motion - CL24.262 Notice of Motion - Moratorium on Development that is not supported by Contemporary Studies

Ms Claire Haywood addressed the meeting on behalf of the Culburra Residents & Ratepayers Action Group to speak AGAINST the recommendation

CL24.280 - Notice of Motion - Kangaroo Valley Community Pool

Ms Katrina Thomas addressed the meeting to speak FOR the recommendation

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En block

RESOLVED (Clr Proudfoot / Clr Clancy)

MIN24.496

That the following items be resolved en block:

- CL24.266 - Declaration of Poll - Ordinary Elections - Saturday 14 September 2024
- CL24.274 - Register - Disclosure of Pecuniary Interest Returns 2023/24 and the Ongoing Register August/September 2024
- CL24.275 - Section 355 Management Committees - Annual Council Delegation

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

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Norris / Clr Wilkins)

MIN24.497

That MM24.33 - Mayoral Minute - Shoalhaven Development Control Plan 2014, Chapter be reintroduced for debate and resolution, and the items which received a deputation be brought forward for consideration, and that CL24.278 - Notice of Motion - Community Groups & Organisations be brought forward due to community interest.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

MM24.33 Mayoral Minute - Shoalhaven Development Control Plan 2014, Chapter G4 Tree and Vegetation Management - 45 Degree Rule

**HPERM Ref:
D24/431925**

Note: A deputation was received on this item.

Recommendation

That Council:

1. Take the necessary steps to formally amend Chapter G4 Tree and Vegetation Management in the Shoalhaven Development Control Plan (DCP) 2014 to revert it back to the 45 Degree Rule Exemption version that was in place prior to 16 August 2023.
2. Reference the current name "45-degree rule" as "The Gordon Timbs 45 Degree Rule" in all Council documents.

RESOLVED (Clr White / Clr Proudfoot)

MIN24.498

That Council:

1. Take the necessary steps to formally amend Chapter G4 Tree and Vegetation Management in the Shoalhaven Development Control Plan (DCP) 2014 to revert it back to the 45 Degree Rule Exemption version that was in place prior to 16 August 2023.
2. Reference the current name "45-degree rule" as "The Gordon Timbs 45 Degree Rule" in all Council documents.
3. Integrate a native tree species list into the 45 Degree Rule.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe and Clr Clancy

AGAINST: Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

CARRIED

CL24.277 Rescission Motion - CL24.262 Notice of Motion - Moratorium on Development that is not supported by Contemporary Studies

**HPERM Ref:
D24/361159**

Note: A deputation was received on this item.

Recommendation

That Council rescind the Motion relating to Item CL24.262 Notice of Motion - Moratorium on development that is not supported by Contemporary Studies of the Council Meeting held on Monday 12 August 2024.

MOTION (Clr White / Clr Casmiri)

MIN24.499

That Council rescind the Motion relating to Item CL24.262 Notice of Motion - Moratorium on development that is not supported by Contemporary Studies of the Council Meeting held on Monday 12 August 2024.

FOR: Clr White, Clr Casmiri, Clr Wilkins, Clr Proudfoot and Clr Clancy

AGAINST: Clr Dunn, Clr Cox, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

LOST

CL24.280 Notice of Motion - Kangaroo Valley Community Pool

**HPERM Ref:
D24/432868**

Note: A deputation was received on this item.

Recommendation

That Council:

1. Urgently investigate the possibility of granting special dispensation to the Kangaroo Valley (KV) Community Pool, to reverse or adjust the recent changes to its operating hours, based on the following factors:
 - a. Geographic isolation, with residents needing to travel 40 minutes to access alternative swimming facilities.
 - b. Extreme summer heat and the need for a local, safe swimming option for children, older residents, and those with limited mobility.
 - c. The critical role of the pool in supporting water safety education, including the Kangaroo Valley Public School's Learn to Swim programs.
 - d. The importance of the pool for the wellbeing, fitness, and rehabilitation of the older population.
 - e. The pool's significance in maintaining community resilience following recent extreme weather events, including bushfires, landslips, and road closures.
2. Investigate the feasibility of installing solar heating to extend the pool's operational season, considering user-pay options for community members to contribute toward heating costs.
3. Explore the potential for training and utilizing community lifeguards to assist with pool operations, while ensuring appropriate insurance coverage for volunteer lifeguards.

RESOLVED (Clr Norris / Clr Clancy)

MIN24.500

That Council:

1. Urgently investigate the possibility of granting special dispensation to the Kangaroo Valley (KV) Community Pool, to reverse or adjust the recent changes to its operating hours, based on the following factors:
 - a. Geographic isolation, with residents needing to travel 40 minutes to access alternative swimming facilities.
 - b. Extreme summer heat and the need for a local, safe swimming option for children, older residents, and those with limited mobility.
 - c. The critical role of the pool in supporting water safety education, including the Kangaroo Valley Public School's Learn to Swim programs.
 - d. The importance of the pool for the wellbeing, fitness, and rehabilitation of the older population.
 - e. The pool's significance in maintaining community resilience following recent extreme weather events, including bushfires, landslips, and road closures.
2. Investigate the feasibility of installing solar heating to extend the pool's operational season, considering user-pay options for community members to contribute toward heating costs.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

CL24.278 Notice of Motion - Community Groups & Organisations

**HPERM Ref:
D24/432343**

Recommendation

That:

1. Community groups and community organisations, including sporting bodies, be given the full proactive support of Council staff in order to progress their expressed desires to make major contributions to the physical up-grade of their various precincts.
2. The proactive support of staff be measured in terms of the effectiveness and efficiencies in delivering community projects in a cost effective manner and without unnecessary delay.
3. Community human resources such as tradespeople, project managers and supervisors be given the appropriate status and weight in progressing the desires of local groups and the full commitment of staff to make things happen.
4. Staff be given fourteen days to prepare a co-operative community policy and application portal to be readily accessed on-line, so that our wonderful volunteers can get to work.
5. The general acknowledgement from Council is that more often than not, Council's contribution will be in terms of the provision of materials, with the community providing the expertise and the labour.

MOTION (Clr Proudfoot / Clr Casmiri)

That:

1. Community groups and community organisations, including sporting bodies, be given the full proactive support of Council staff in order to progress their expressed desires to make major contributions to the physical up-grade of their various precincts.
2. The proactive support of staff be measured in terms of the effectiveness and efficiencies in delivering community projects in a cost effective manner and without unnecessary delay.
3. Community human resources such as tradespeople, project managers and supervisors be given the appropriate status and weight in progressing the desires of local groups and the full commitment of staff to make things happen.
4. Staff be given fourteen days to prepare a co-operative community policy and application portal to be readily accessed on-line, so that our wonderful volunteers can get to work.
5. The general acknowledgement from Council is that more often than not, Council's contribution will be in terms of the provision of materials, with the community providing the expertise and the labour.

AMENDMENT (Clr Boyd / Clr Norris)

That Council develop a policy and associated procedures that facilitates collaboration and co-operation between Council and community and sporting groups to deliver community funded infrastructure on Council land.

The policy and procedures must:

- a. be developed by staff in collaboration with Councillors in a dedicated workshop
- b. be consistent with financial sustainability principles as resolved on 29 January 2024 (MIN24.44)
- c. be subject to community consultation as required under the *Local Government Act 1993* and Council's community engagement strategy
- d. facilitate positive collaboration between Council staff and community organisations and recognise that the resources available to volunteers in community organisations are limited.

- e. Provide for development of a Memorandum of Understanding or similar, to clearly state the parameters of the project and the assigned responsibilities of each party including costs, ongoing maintenance and insurance both during the implementation of the project and its utilisation into the future.

FOR: Clr Dunn, Clr Cox, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Clr White, Clr Casmiri, Clr Wilkins, Clr Proudfoot and Clr Clancy

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

RESOLVED (Clr Boyd / Clr Norris)

MIN24.501

That Council develop a policy and associated procedures that facilitates collaboration and co-operation between Council and community and sporting groups to deliver community funded infrastructure on Council land.

The policy and procedures must:

- a. be developed by staff in collaboration with Councillors in a dedicated workshop
- b. be consistent with financial sustainability principles as resolved on 29 January 2024 (MIN24.44)
- c. be subject to community consultation as required under the *Local Government Act 1993* and Council's community engagement strategy
- d. facilitate positive collaboration between Council staff and community organisations and recognise that the resources available to volunteers in community organisations are limited.
- e. Provide for development of a Memorandum of Understanding or similar, to clearly state the parameters of the project and the assigned responsibilities of each party including costs, ongoing maintenance and insurance both during the implementation of the project and its utilisation into the future.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

Note: A Rescission Motion was submitted on this item following the conclusion of the meeting.

REPORTS

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

CL24.266 Declaration of Poll - Ordinary Elections - Saturday 14 September 2024

HPERM Ref: D24/225178

RESOLVED* (Clr Proudfoot / Clr Clancy)

MIN24.502

That the report of the Chief Executive Officer regarding the Declaration of Poll, Ordinary Election, Saturday 14 September 2024, be received for information.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

CL24.267 Use of Countbacks to fill Casual Vacancies for Councillors

**HPERM Ref:
D24/225602**

Recommendation

That Council;

1. Pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Shoalhaven City Council declare that casual vacancies occurring in the office of a Councillor within 18 months after the last Ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act; and
2. The Council directs the CEO to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

RESOLVED (Clr Norris / Clr Wilkins)

MIN24.503

That;

1. Pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Shoalhaven City Council declare that casual vacancies occurring in the office of a Councillor within 18 months after the last Ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act; and
2. The Council directs the CEO to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

CL24.268 Election of Deputy Mayor

**HPERM Ref:
D24/225261**

Recommendation

That Council:

1. Elect a Deputy Mayor for a period of office of 12 months (September 2025).
2. Conduct an election (by show of hands) for Deputy Mayor for the resolved period.

RESOLVED (Clr White / Clr Krikstolaitis)

MIN24.504

That Council:

1. Elect a Deputy Mayor and an Assistant Deputy Mayor for a period of office of 12 months (September 2025).
2. Conduct an election (by show of hands) for the Deputy Mayor and the Assistant Deputy Mayor for the resolved period.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

Coralie McCarthy - Acting Director City Futures as the Acting Returning Officer informed the

meeting that there were 2 nominations that had been received for the position of Deputy Mayor, the nominations being for Clr Wilkins and Clr Tribe.

Ms McCarthy called for further nominations. No further nominations were received.

Ms McCarthy called for a show of hands and declared Clr Wilkins the Deputy Mayor until September 2025 on the count of 7 votes.

Ms McCarthy called for nominations for the position of Assistant Deputy Mayor for the period to September 2025. Clr Norris was nominated by Clr Tribe and accepted the nomination. Clr Cox was nominated by Clr Wilkins and accepted the nomination.

Ms McCarthy called for a show of hands for both the candidates and the vote was tied. The two candidates were placed in the ballot box and Clr Norris's name was drawn as the successful candidate. Ms McCarthy declared Clr Norris the Assistant Deputy Mayor until September 2025.

CL24.269 Instruments of Delegation - Mayor and Chief Executive Officer

HPERM Ref: D24/225648

Recommendation

That Council:

1. Restore the Delegations of authority to the Chief Executive Officer as outlined in the Instrument of Delegation provided as Attachment 1 and outlined in this report, including the extension to June 2026 of the delegation previously afforded for the acceptance of tenders and variations for works in response to declared natural disasters under the Disaster Recovery Funding Arrangement.
2. Delegate to the Mayor the authority as outlined in the Instrument of Delegation as provided as Attachment 2 and outlined in this report.
3. That for the period 15 October 2024 to 30 September 2028, one of the persons (determined by the Mayor at the relevant time) holding a position of Director be appointed to act as Chief Executive Officer if the Chief Executive Officer is sick or otherwise absent from work on leave or for any other purpose. Such appointment is to cease upon the return to work of the Chief Executive Officer or by other resolution of the Council.
4. Authorise that any person acting as Chief Executive Officer pursuant to this resolution has all the functions, delegations, and sub-delegations given to the Chief Executive Officer by the Council.

RESOLVED (Clr Dunn / Clr Boyd)

MIN24.505

That Council:

1. Restore the Delegations of authority to the Chief Executive Officer as outlined in the Instrument of Delegation provided as Attachment 1 and outlined in this report, including the extension to June 2026 of the delegation previously afforded for the acceptance of tenders and variations for works in response to declared natural disasters under the Disaster Recovery Funding Arrangement.
2. Delegate to the Mayor the authority as outlined in the Instrument of Delegation as provided as Attachment 2 and outlined in this report.
3. That for the period 15 October 2024 to 30 September 2028, one of the persons (determined by the Mayor at the relevant time) holding a position of Director be appointed to act as Chief Executive Officer if the Chief Executive Officer is sick or otherwise absent from work on leave or for any other purpose. Such appointment is to cease upon the return to work of the Chief Executive Officer or by other resolution of the Council.
4. Authorise that any person acting as Chief Executive Officer pursuant to this resolution has all the functions, delegations, and sub-delegations given to the Chief Executive Officer by the

Council.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

CL24.270 Determination of Date & Time of Council Meetings & Councillor Briefings

**HPERM Ref:
D24/225982**

Recommendation

That Council:

1. Adopt a schedule for two (2) Ordinary Council Meetings per month held on a Tuesday subject to the following:
 - a. Meetings and briefings not being held on public holidays or during the following periods:
 - i. Christmas / New Year break – 23 December 2024 to 13 January 2025
 - ii. Easter break – 18 to 21 April 2025
 - iii. Mid-year Council Recess - July 2024 NSW school holidays – 7 to 18 July 2025.
2. Reaffirm the authorisations to the Chief Executive Officer as set out in the report.
3. Determine the start time for Council meetings to be generally at 5.30pm.
4. Determine the start time for Councillor Briefings to be generally at 5.00 pm.
5. Reaffirm its current practice to hold deputations as part of the proceedings of the Ordinary Meetings.

RESOLVED (Clr White / Clr Casmiri)

MIN24.506

That Council

1. Adopt a schedule for two (2) Ordinary Council Meetings per month held on a Tuesday for the period ending 31 January 2025 subject to the following:
 - a. Meetings and briefings not being held on public holidays or during the period of Christmas / New Year break from 23 December 2024 to 13 January 2025.
2. From the period of 1 February 2025 adopt a schedule of one (1) Ordinary Meeting per month held on a Tuesday.
3. Reaffirm the authorisations to the Chief Executive Officer as set out in the report.
4. Determine the start time for Council meetings to be generally at 5.30pm.
5. Determine the start time for Councillor Briefings to be generally at 5.00 pm.
6. Reaffirm its current practice to hold deputations as part of the proceedings of the Ordinary Meetings.
7. Adopt in principle a change in structure of Council Meetings to incorporate the re-establishment of the Strategy & Assets Committee and the Development & Environment Committees which:
 - a. Have the functions and delegations as held by those Committees of the same name which were in place at Shoalhaven City Council for a number of years until they were disestablished on 25 January 2022
 - b. Are comprised of all Councillors
 - c. Each have a meeting scheduled once per month, on Tuesdays commencing at 5.30pm

- d. Receive deputations on matters listed on their agenda.
- 8. Receive a further report from the Chief Executive Officer which will outline matters to be endorsed by the Council in preparation for the implementation of the new arrangements from February 2025 at the latest, including details of:
 - a. A revised timetable scheduling Ordinary Meetings and Committee Meetings
 - b. Any amendments required under the Code of Meeting Practice to bring about the change
 - c. Any amendments required to delegation instruments and functions of those previous Committees to ensure compliance with current legislation.
 - d. Membership, Quorum and appointment of Chairperson.
 - e. Other relevant information required to be considered by the Council.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Boyd, Clr Johnston and Clr Clancy

AGAINST: Clr Tribe, Clr Norris and Clr Krikstolaitis

CARRIED

CL24.271 Ordinary Meeting - Order of Business

**HPERM Ref:
D24/225998**

Recommendation

That Council:

- 1. Adopt the current Order of Business for the Ordinary Meetings:
 - a. Acknowledgement of Country
 - b. Moment of Silence and Reflection
 - c. Australian National Anthem
 - d. Apologies/Leave of Absence
 - e. Confirmation of Minutes
 - f. Declarations of Interest
 - g. Presentation of Petitions
 - h. Mayoral Minutes
 - i. Deputations
 - j. Call Over of the Business Paper
 - k. A Committee of the Whole (if necessary)
 - l. Report of Committees
 - m. Report of the Shoalhaven Traffic Committee (if required)
 - n. Officers Reports
 - o. Notices of Motion and Questions on Notice
 - p. Addendum Reports
 - q. Confidential Reports

*If any items of business require attendance of specialist staff (e.g., Legal, Insurance, Property) then Council will generally consider those items following the Deputations.

RESOLVED (MOTION 1) (Clr White / Clr Cox)

MIN24.507

That Council:

1. Adopt the current Order of Business for the Ordinary Meetings:

- a. Acknowledgement of Country
- b. Moment of Silence and Reflection
- c. Australian National Anthem
- d. Apologies/Leave of Absence
- e. Confirmation of Minutes
- f. Declarations of Interest
- g. Presentation of Petitions
- h. Mayoral Minutes
- i. Deputations
- j. Notices of Motion and Questions on Notice
- k. Call Over of the Business Paper
- l. A Committee of the Whole (if necessary)
- m. Report of Committees
- n. Report of the Shoalhaven Traffic Committee (if required)
- o. Officers Reports
- p. Addendum Reports
- q. Confidential Reports

*If any items of business require attendance of specialist staff (e.g., Legal, Insurance, Property) then Council will generally consider those items following the Deputations.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Clr Boyd

CARRIED

MOTION 2 (Clr White / Clr Cox)

That Council:

1. Adopt the current Order of Business for the Ordinary Meetings:

- a. Acknowledgement of Country
- b. A prayer or moment of silent reflection
- c. Australian National Anthem
- d. Apologies/Leave of Absence
- e. Confirmation of Minutes
- f. Declarations of Interest
- g. Presentation of Petitions
- h. Mayoral Minutes
- i. Deputations
- j. Notices of Motion and Questions on Notice
- k. Call Over of the Business Paper

- l. A Committee of the Whole (if necessary)
- m. Report of Committees
- n. Report of the Shoalhaven Traffic Committee (if required)
- o. Officers Reports
- p. Addendum Reports
- q. Confidential Reports

*If any items of business require attendance of specialist staff (e.g., Legal, Insurance, Property) then Council will generally consider those items following the Deputations.

FOR: Clr White, Clr Casmiri, Clr Cox, Clr Proudfoot and Clr Tribe

AGAINST: Clr Dunn, Clr Wilkins, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

LOST

CL24.272 Reaffirmation of Audit, Risk & Improvement Committee

**HPERM Ref:
D24/340163**

Recommendation

That Council

1. Reaffirm the Audit, Risk and Improvement Committee (39763E) and authorise the Committee to carry out the roles and responsibilities in accordance with Council's Audit, Risk & Improvement Committee Terms of Reference and the Local Government (General) Regulation 2021 and Amendment (Audit Risk and Improvement Committee) 2023 as outlined in the report and
2. Appoint *[insert Councillor Name]* as the non-voting Councillor member, and *[insert Councillor Name]* as the alternate non- voting Councillor member of the Audit, Risk and Improvement Committee for the period to September 2025.

MOTION (Clr White / Clr Cox)

That Council

1. Reaffirm the Audit, Risk and Improvement Committee (39763E) and authorise the Committee to carry out the roles and responsibilities in accordance with Council's Audit, Risk & Improvement Committee Terms of Reference and the Local Government (General) Regulation 2021 and Amendment (Audit Risk and Improvement Committee) 2023 as outlined in the report and
2. Appoint Clr Gillian Boyd as the non-voting Councillor member, and Clr Salena Clancy as the alternate non- voting Councillor member of the Audit, Risk and Improvement Committee for the period to September 2025.

AMENDMENT (Clr Tribe / Clr Johnston)

That Council

1. Reaffirm the Audit, Risk and Improvement Committee (39763E) and authorise the Committee to carry out the roles and responsibilities in accordance with Council's Audit, Risk & Improvement Committee Terms of Reference and the Local Government (General) Regulation 2021 and Amendment (Audit Risk and Improvement Committee) 2023 as outlined in the report and
2. Appoint Clr Gillian Boyd as the non-voting Councillor member, and Clr Natalee Johnston as the alternate non- voting Councillor member of the Audit, Risk and Improvement Committee

for the period to September 2025.

FOR: Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Clr White, Clr Proudfoot and Clr Clancy

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

RESOLVED (Clr Tribe / Clr Johnston)

MIN24.508

That Council

1. Reaffirm the Audit, Risk and Improvement Committee (39763E) and authorise the Committee to carry out the roles and responsibilities in accordance with Council's Audit, Risk & Improvement Committee Terms of Reference and the Local Government (General) Regulation 2021 and Amendment (Audit Risk and Improvement Committee) 2023 as outlined in the report and
2. Appoint Clr Gillian Boyd as the non-voting Councillor member, and Clr Natalee Johnston as the alternate non-voting Councillor member of the Audit, Risk and Improvement Committee for the period to September 2025.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

**CL24.273 LGNSW Annual Conference - 17-19 November 2024 -
Voting Delegates**

**HPERM Ref:
D24/236433**

Recommendation

That:

1. Council approve attendance by all interested Councillors at the 2024 LGNSW Annual Conference to be held at Tamworth Regional Entertainment and Conference Centre from Sunday 17 to Tuesday 19 November 2024, and such attendance be deemed as Council business.
2. Registration fees be met in accordance with Council's adopted policy.
3. Council determines the other three Councillors to attend the conference as Council's voting delegates as follows (noting the Mayor and Deputy Mayor have been determined as two of the delegates MIN24.366):
 - a.
 - b.
 - c.

RESOLVED (Clr White / Clr Proudfoot)

MIN24.509

That:

1. Council approve attendance by all interested Councillors at the 2024 LGNSW Annual Conference to be held at Tamworth Regional Entertainment and Conference Centre from Sunday 17 to Tuesday 19 November 2024, and such attendance be deemed as Council business.
2. Registration fees be met in accordance with Council's adopted policy.
3. Council determines the other three Councillors to attend the conference as Council's voting delegates as follows (noting the Mayor and Deputy Mayor have been determined as two of the

delegates MIN24.366):

- a. Clr Norris
- b. Clr Boyd
- c. Clr Clancy

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

**CL24.274 Register - Disclosure of Pecuniary Interest Returns
2023/24 and the Ongoing Register August/September
2024**

**HPERM Ref:
D24/244690**

RESOLVED* (Clr Proudfoot / Clr Clancy)

MIN24.510

That:

1. The report regarding the Disclosure of Pecuniary Interest Returns lodged for the period of 1 July 2023 to 30 June 2024 and the Ongoing Registers August/September 2024 be received for information.
2. The Chief Executive Officer consider appropriate action in respect of any Designated Persons who have failed to provide their return for the period of 1 July 2023 to 30 June 2024.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

**CL24.275 Section 355 Management Committees - Annual Council
Delegation**

**HPERM Ref:
D24/244679**

RESOLVED* (Clr Proudfoot / Clr Clancy)

MIN24.511

That:

1. The Section 355 Management Committees listed in this report retain their delegated responsibility pursuant to Section 377 Local Government Act 1993 for the care, control and management of their facilities with authority to expend up to an amount of \$5,000 in single transactions, consistent with the delegation.
2. The authorisation of the Chief Executive Officer to approve membership appointments to Section 355 Management Committees as required be confirmed.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL24.276 Rescission Motion - MM24.29 Mayoral Minute - Caps on Short Term Rental Accommodation in New Residential Subdivisions

**HPERM Ref:
D24/361230**

Recommendation

That Council rescind the Motion relating to Item MM24.29 Mayoral Minute - Caps on Short Term Rental Accommodation in New Residential Subdivisions of the Council Meeting held on Monday 12 August 2024.

A Point of Order was called against Clr Casmiri for not declaring a pecuniary interest on this matter as he runs an air bnb. The Mayor ruled as Point of Order.

Clr Casmiri was asked to leave the room for the remainder of the discussion and not to participate in the vote and to disclose a pecuniary interest on this item.

Clr Casmiri left the meeting, the time being 8:01pm

RESOLVED (Clr White / Clr Cox)

MIN24.512

That Council defer consideration of the rescission motion until after a briefing is provided to Council.

CARRIED

FOR: Clr White, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED

Clr Casmiri returned to the meeting, the time being 8:03pm

CL24.277 Rescission Motion - CL24.262 Notice of Motion - Moratorium on Development that is Not Supported by Contemporary Studies

**HPERM REF:
D24/361159**

Item dealt with earlier in the meeting see MIN24.499

CL24.278 Notice of Motion - Community Groups & Organisations

**HPERM REF:
D24/432343**

Item dealt with earlier in the meeting see MIN24.501

CL24.279 Notice of Motion - Australia Day 2025

**HPERM Ref:
D24/432441**

Recommendation

That Council:

1. Hold its Citizenship Ceremony, Australia Day Awards and community event on Australia Day the 26 January 2025.
2. Work with local Community groups to host the Australia Day Events with the aim of uniting the community and moving forward as one, rather than fragmenting the occasion.
3. Provide a budget allocation of \$25,000 to deliver the 2025 Australia Day celebrations, with

future Australia Day community events to be considered annually, as part of the Annual Budget.

RESOLVED (Clr Wilkins / Clr Proudfoot)

MIN24.513

That Council:

1. Hold its Citizenship Ceremony, Australia Day Awards and community event on Australia Day the 26 January 2025.
2. Work with local Community groups to host the Australia Day Events with the aim of uniting the community and moving forward as one, rather than fragmenting the occasion.
3. Provide a budget allocation of \$25,000 to deliver the 2025 Australia Day celebrations, with future Australia Day community events to be considered annually, as part of the Annual Budget.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Clr Tribe and Clr Norris

CARRIED

CL24.280 Notice of Motion - Kangaroo Valley Community Pool

**HPERM REF:
D24/432868**

Item dealt with earlier in the meeting see MIN24.500

ADDENDUM REPORTS

MM24.35 Mayoral Minute - Congratulations to all Councillors on Taking Their Oath or Affirmation of Office

**HPERM REF:
D24/438043**

Item dealt with earlier in the meeting see MIN24.494

MM24.36 Mayoral Minute - Mayors First Official Engagement - Yila Healing Trail Corroboree

**HPERM REF:
D24/438070**

Item dealt with earlier in the meeting see MIN24.495

There being no further business, the meeting concluded, the time being 8:12pm.

Mayor White
CHAIRPERSON

Note: A Rescission Motion was received following the conclusion of the meeting in relation to CL24.278 - Notice of Motion - Community Groups & Organisations signed by Clr Proudfoot, Clr White and Clr Casmiri. This will be considered the Ordinary Meeting on 28 October 2024 at 5:30pm in the Council Chambers.