

## MINUTES OF THE ORDINARY MEETING

**Meeting Date:** Tuesday, 26 November 2024  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

The following members were present:

Clr 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 (Remotely)  
Clr Ben Krikstolaitis  
Clr Selena Clancy (Remotely)

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

Nil.

### Confirmation of the Minutes

**RESOLVED** (Clr Proudfoot / Clr Cox) MIN24.621

That the Minutes of the Ordinary Meeting held on Tuesday 12 November 2024 be confirmed, with the following amendment to part two of MIN24.600 *'That this matter be referred back to acting CEO to identify funding, noting that the Sanctuary Point Men's shed will undertake installation, and the Craig family will pay for materials.'*

FOR: Clr White, Clr Kemp, 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

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**Procedural Motion - Bring Item Forward****RESOLVED** (Clr White / Clr Norris)

MIN24.622

That the presentation in relation to the Annual Financial Statements 30 June 2024 be brought forward.

FOR: Clr White, Clr Kemp, 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

**PRESENTATIONS****Presentation of Annual Financial Statements 30 June 2024 – NSW Audit Office.**

Ms Min Lee & Ms Jane Liu – NSW Audit Office addressed the meeting remotely and presented on the Annual Financial Statements to Council.

**Declaration of Interests**

Clr White – CL24.378 – Acquisition of Land for Road Widening - Part Lot 5 DP 571465 - 5 Kingsley Avenue, Ulladulla - Less than significant non-pecuniary interest declaration – Clr knows the owner of the property – will remain in the room and will take part in the discussion and vote.

Clr Clancy – CL24.369 – 2024/2025 Community Donations - Round Two - Less than significant non-pecuniary interest declaration – Clr is a volunteer for Wildlife Rescue South Coast & Albatross Musical Theatre Company – will remain in the room and will take part in the discussion and vote.

Clr Clancy - CL24.377 – Disaster Relief Australia Memorandum of Understanding with Shoalhaven City Council – Clr is an active volunteer - Less than significant non-pecuniary interest declaration – will remain in the room and will take part in the discussion and vote.

Clr Norris – CL24.362 - Notice of Motion – Community Service Clubs Contact Board – Less than significant non-pecuniary interest declaration – Clr is a member of the Service Club – will remain in the room and will take part in the discussion and vote.

During the meeting Clr Cox declared a less than significant non-pecuniary interest in relation to item CL24.362 - Notice of Motion – Community Service Clubs Contact Board - Clr is a member of a Service Club – will remain in the room and will take part in the discussion and vote.

**Presentation of Petitions**

Clr Wilkins tabled a petition containing 211 signatures which reads “We, the undersigned, hereby respectfully request Shoalhaven City Council to grant special dispensation to Berry Pool and reverse the recent changes to its operating hours. Additionally, we request that Council consider a pro-rata fee structure for Season Passes. This would encourage more patrons and families to commit to using the pool during the season, even if only a few weeks remain, potentially increasing usage and revenue.”

## MAYORAL MINUTE

**MM24.37 Mayoral Minute - Karen Murphy AM - Sport Australia Hall of Fame****HPERM Ref:  
D24/505677****Recommendation**

That Council write to Karen Murphy AM and congratulate her on her sporting achievements in lawn bowls and being inducted into Sport Australia Hall of Fame.

**RESOLVED** (Clr White / Clr Krikstolaitis)

MIN24.623

That Council write to Karen Murphy AM and congratulate her on her sporting achievements in lawn bowls and being inducted into Sport Australia Hall of Fame.

FOR: Clr White, Clr Kemp, 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

## DEPUTATIONS AND PRESENTATIONS

**CL24.369 - 2024/2025 Community Donations - Round Two**

Ms Maria Lavalley addressed the meeting to speak FOR the recommendation.

Mr Bob Mortyn addressed the meeting to speak AGAINST the recommendation.

Mr Stuart Christmas addressed the meeting to speak AGAINST the recommendation.

**CL24.374 - Recognition of Community Led Plans**

Mr John Gould addressed the meeting to speak FOR the recommendation.

## NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL24.360 Notice of Motion - Fleet & Plant - Fuel Usage - Cost Control & Transparency****HPERM Ref:  
D24/501812****Recommendation**

That:

1. Council directs the Acting CEO to immediately implement a system that controls and accounts for fuel usage by recording odometer readings reconciled with fuel purchases and consumption for each individual fleet vehicle as a best practice.
2. The Acting CEO is to report back to Council as to what action has been implemented/taken by the next ordinary meeting.

MOTION (Clr Cox / Clr Proudfoot)

That:

1. Council directs the Acting CEO to immediately implement a system that controls and accounts

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for fuel usage by recording odometer readings reconciled with fuel purchases and consumption for each individual fleet vehicle as a best practice.

2. The Acting CEO is to report back to Council as to what action has been implemented/taken by the next ordinary meeting.

AMENDMENT (Clr Boyd / Clr Tribe)

That Council request a briefing on the 2024 AEC review of Council's fleet policy and operations, including current information on the monitoring of private use of Council vehicles.

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

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

LOST

**RESOLVED** (Clr Cox / Clr Proudfoot)

MIN24.624

That:

1. Council directs the Acting CEO to immediately implement a system that controls and accounts for fuel usage by recording odometer readings reconciled with fuel purchases and consumption for each individual fleet vehicle as a best practice.
2. The Acting CEO is to report back to Council as to what action has been implemented/taken by the next ordinary meeting.

FOR: Clr White, Clr Kemp, 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

## CL24.361 Notice of Motion - Fleet Accountability

**HPERM Ref:**  
**D24/502018**

### Recommendation

That the Acting CEO (or delegate):

1. Undertake a review of the existing Shoalhaven City Council Fleet Policy and provisions related to private use and operational vehicles to identify areas of cost efficiency pertaining to travel distances, appropriate use and
2. Assess the turnover/replacement times for light fleet, heavy fleet and plant to determine the most cost effective mechanism for council; and,
3. Undertake a briefing with Council to outline findings and options with a view to cost effectiveness.

**RESOLVED** (Clr Cox / Clr Wilkins)

MIN24.625

That the Acting CEO (or delegate):

1. Undertake a review of the existing Shoalhaven City Council Fleet Policy and provisions related to private use and operational vehicles to identify areas of cost efficiency pertaining to travel distances, appropriate use and
2. Assess the turnover/replacement times for light fleet, heavy fleet and plant to determine the most cost effective mechanism for council; and,
3. Undertake a briefing with Council to outline findings and options with a view to cost effectiveness.

4. Provide a report back to Council on the outcomes and additional information.

FOR: Clr White, Clr Kemp, 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

#### CL24.362 Notice of Motion - Community Service Clubs Contact Board

HPERM Ref:  
D24/502448

Note: Clr Cox declared a less than significant non-pecuniary interest – Clr is a member of a Service Club – he remained in the room and took part in the discussion and voted.

Note: Clr Norris declared a less than significant non-pecuniary interest – Clr is a member of a Service Club – he remained in the room and took part in the discussion and voted.

#### Recommendation

That the Acting CEO (or delegate) review options for information on Community Service Clubs that would appear on a public contact board, and:

1. Assess different publicly visible and contemporary options to display contact details for Community Services Clubs.
2. Develop potential costings for the options assessed.
3. Present findings to Councillors at a future briefing session with a view to developing a preferred option and undertaking community consultation.

**RESOLVED** (Clr Cox / Clr Wilkins)

MIN24.626

That the Acting CEO (or delegate) review options for information on Community Service Clubs that would appear on a public contact board, and:

1. Assess different publicly visible and contemporary options to display contact details for Community Services Clubs.
2. Develop potential costings for the options assessed.
3. Present findings to Councillors at a future briefing session with a view to developing a preferred option and undertaking community consultation.

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

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

CARRIED

#### CL24.363 Notice of Motion - Berry Village Pool

HPERM Ref:  
D24/502510

#### Recommendation

That Council:

1. Grant special dispensation to Berry Pool and reverse the recent changes to its operating hours, based on the following considerations:
  - a. **Drowning prevention:** Drowning remains one of the leading causes of death among Australian children. Access to Berry Pool is critical for children to learn swimming and water safety skills in a safe, community-focused environment. The decision to shorten the

pool's season significantly limits this vital access.

- b. **Geographical limitations:** Berry differs from other towns in the region as it lacks immediate access to coastal or river swimming options, making the village pool an essential resource.
  - c. **Impact on school programs:** The shortened season affects Berry Public School students' participation in swimming programs. Term 4 swimming classes, which prepare students for safe summer activities, can no longer proceed. Many parents with young children who are still learning to swim, rely on initiatives like this.
  - d. **Extended swimming season:** Berry's swimming season and warmer weather arguably commences earlier than Kangaroo Valley's, underscoring the need for extended availability.
  - e. **Economic and operational efficiency:** Berry Pool operates with fewer staff and lower overheads compared to larger facilities like Bomaderry Aquatic Centre, making it a cost-effective and vital community resource during the warmer months.
  - f. **Tourism and local patronage:** Berry Pool benefits from additional use by visitors staying at the adjacent Berry Showground Camping Area and by the town's many tourists, including day-trippers and guests in short-term rentals.
2. Explore a pro-rata fee structure for Season Passes. This initiative would encourage more patrons and families to purchase season passes, even late in the season, potentially boosting both pool usage and revenue.

**RESOLVED** (Clr Wilkins / Clr Proudfoot)

MIN24.627

That Council:

1. Grant special dispensation to Berry Pool and reverse the recent changes to its operating hours, based on the following considerations:
  - a. **Drowning prevention:** Drowning remains one of the leading causes of death among Australian children. Access to Berry Pool is critical for children to learn swimming and water safety skills in a safe, community-focused environment. The decision to shorten the pool's season significantly limits this vital access.
  - b. **Geographical limitations:** Berry differs from other towns in the region as it lacks immediate access to coastal or river swimming options, making the village pool an essential resource.
  - c. **Impact on school programs:** The shortened season affects Berry Public School students' participation in swimming programs. Term 4 swimming classes, which prepare students for safe summer activities, can no longer proceed. Many parents with young children who are still learning to swim, rely on initiatives like this.
  - d. **Extended swimming season:** Berry's swimming season and warmer weather arguably commences earlier than Kangaroo Valley's, underscoring the need for extended availability.
  - e. **Economic and operational efficiency:** Berry Pool operates with fewer staff and lower overheads compared to larger facilities like Bomaderry Aquatic Centre, making it a cost-effective and vital community resource during the warmer months.
  - f. **Tourism and local patronage:** Berry Pool benefits from additional use by visitors staying at the adjacent Berry Showground Camping Area and by the town's many tourists, including day-trippers and guests in short-term rentals.
2. Explore a pro-rata fee structure for Season Passes. This initiative would encourage more patrons and families to purchase season passes, even late in the season, potentially boosting both pool usage and revenue.

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

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

CARRIED

**CL24.364 Question on Notice - CEO Resignation - Funding****HPERM Ref:  
D24/500126****Question**

How will Shoalhaven City Council fund what the outgoing CEO is owed given that the unrestricted cash balance was nil at June 2024?

**Response**

Question will be taken on notice and reported back to Council in due course.

**CALL OVER OF THE BUSINESS PAPER****Call Over of Business Paper - En block****RESOLVED** (Clr Norris / Clr Tribe)

MIN24.628

That the following item from CEO Directorate be resolved en block:

- CL24.366 – Draft Community Engagement Strategy and Framework

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

FOR: Clr White, Clr Kemp, 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

**Call Over of Business Paper - En block****RESOLVED** (Clr Boyd / Clr Wilkins)

MIN24.629

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

- CL24.368 - Declaration of Countback - Vacancy Ward 3 - Councillor Denise Kemp
- CL24.371 - Ongoing Register of Pecuniary Interest Returns - October 2024

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

FOR: Clr White, Clr Kemp, 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

**Call Over of Business Paper - En block****RESOLVED** (Clr Tribe / Clr Cox)

MIN24.630

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

- CL24.376 - Post-Exhibition and Finalisation - Planning Proposal - Local Character - Shoalhaven Local Environmental Plan 2014 (PP073)

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

FOR: Clr White, Clr Kemp, 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

### Introduction of Items as Matters of Urgency

**RESOLVED** (Clr Tribe / Clr Dunn)

MIN24.631

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

1. CL24.382 Report Back - Ulladulla Harbour Boat Ramp

FOR: Clr White, Clr Kemp, 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

The Chairperson ruled the matters as ones of urgency as they relate to urgent business of Council and allowed their introduction.

## REPORTS

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

### CL24.365 Detailed Restructure Plan Concurrent with Resourcing Strategy

HPERM Ref:  
D24/504355

#### Recommendation

That the Council note:

1. point 3 of MIN24.591 cannot be fulfilled at this time; and,
2. that the Acting CEO is to arrange a workshop as soon as practicable with all Councillors on the future strategic direction for the organisation.

#### PROCEDURAL MOTION – EXTENTION OF TIME(Clr White / Clr Kemp)

That Clr Proudfoot be granted an extension to speak on this item.

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

AGAINST: Clr Krikstolaitis

CARRIED

**RESOLVED** (Clr Proudfoot / Clr Wilkins)

MIN24.632

That Council direct:

1. The Acting CEO to report on a detailed restructure plan by the Ordinary Meeting scheduled for 17 December 2024.

2. The Acting CEO to arrange a workshop as soon as practicable with all Councillors on the future strategic direction for the organisation.

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

AGAINST: Clr Boyd, Clr Johnston and Clr Krikstolaitis

CARRIED

#### **CL24.366 Draft Community Engagement Strategy and Framework**

**HPERM Ref:  
D24/501003**

**RESOLVED\*** (Clr Norris / Clr Tribe)

MIN24.633

That Council:

1. Endorse the Draft Shoalhaven City Council Community Engagement Strategy and Framework for public exhibition, from Wednesday 27 November 2024 to Friday 31 January 2025, to obtain community feedback.
2. Exhibit the Draft Shoalhaven City Council Community Engagement Strategy and Framework and if no significant adverse comment are received, the strategy be deemed adopted and made available on Council's website.
3. If adverse feedback is submitted, receive a further report that includes consultation feedback with the final version of the strategy to be considered for adoption.

FOR: Clr White, Clr Kemp, 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

#### **CL24.367 Annual Report 2023-2024 and Audited Financial Statements for Year Ended 30 June 2024**

**HPERM Ref:  
D24/465716**

##### **Recommendation**

That:

1. Council receive and endorse the Shoalhaven City Council Annual Report 2023-2024.
2. The presentation of the audited Financial Statements for the year ended 30 June 2024 be received and noted.

**RESOLVED** (Clr Tribe / Clr Boyd)

MIN24.634

That:

1. Council receive and endorse the Shoalhaven City Council Annual Report 2023-2024.
2. The presentation of the audited Financial Statements for the year ended 30 June 2024 be received and noted.

FOR: Clr White, Clr Kemp, 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

**CL24.368 Declaration of Countback - Vacancy Ward 3 - Councillor Denise Kemp**

**HPERM Ref: D24/497281**

**RESOLVED\*** (Clr Boyd / Clr Wilkins)

MIN24.635

That the report of the Chief Executive Officer regarding the Declaration of Poll, Countback Election, Tuesday 19 November 2024 and the election of Councillor Kemp be received for information.

FOR: Clr White, Clr Kemp, 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

**CL24.369 2024/2025 Community Donations - Round Two**

**HPERM Ref: D24/429132**

Note: Deputations were received on this item.

Note: Clr Clancy declared a less than significant non-pecuniary interest – Clr is a volunteer for Wildlife Rescue South Coast & Albatross Musical Theatre Company – she remained in the room and took part in the discussion and vote.

**Recommendation**

That Council

1. Note the information in the report outlining the process followed for round two of 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 \$52,222.00 to the following community organisations and community groups in the Shoalhaven:

Organisation	Donation For:	Amount Recommended
City of Shoalhaven Eisteddfod Inc	City of Shoalhaven Eisteddfod Inc	\$5000
Cudmirrah Berrara Community Garden	Community Wellbeing programs	\$1000
Milton Ulladulla Family History Society	40th anniversary lunch celebration for Milton Ulladulla Family History	\$1000
Rainbow Club Australia	Water Safety, Swimming Lessons and Events for Local Disabled	\$2,500
Shoalhaven City Concert Band	Summer Sounds Concert Band Workshop and Free Concert	\$1000
Shoalhaven Community Choir	Harmony Day Celebration	\$3000
Tabourie Lake Museum	First Nations Collection Project	\$3,100
Ulladulla & District Community Resource Centre	Community Connection through Activity in Fisherman's Paradise	\$4,370
Walk n Talk For Life Ulladulla	Walk n Talk For Life Ulladulla	\$1000
Love Culburra Beach Festival Inc	Culburra Beach Festival	\$4000

Ulladulla Blessing of the Fleet Festival Inc	Ulladulla Blessing of the Fleet Festival	\$10,000
Albatross Musical Theatre Company	Albatross Musical Theatre Company Rehearsal Support	\$6000
Cambewarra School of Arts	Subsidised Council Rates and Council Water Rates	\$2,132
Lay Missionary of Charity Soup Kitchen	Lay Missionary of Charity Soup Kitchen	\$1,600
Wildlife Rescue South Coast	Wildlife Rescue South Coast	\$6,520

- Note that the previously resolved amount of \$10,000 to the Rotary Club of Milton-Ulladulla will now be provided to the Ulladulla Blessing of The Fleet Festival Inc for the reasons detailed in the report, replacing the resolution of that amount being donated to the Rotary Club of Milton-Ulladulla (MIN24.393).
- Advise the remaining applicants that their application for the Community Donations Program have been unsuccessful.

**RESOLVED** (Clr White / Clr Clancy)

MIN24.636

That Council:

- Note the information in the report outlining the process followed for round two of the 2024/2025 Community Donations Program, including the applications received.
- Note that the previously resolved amount of \$10,000 to the Rotary Club of Milton-Ulladulla will now be provided to the Ulladulla Blessing of The Fleet Festival Inc for the reasons detailed in the report, replacing the resolution of that amount being donated to the Rotary Club of Milton-Ulladulla (MIN24.393).
- Defer this matter to a Councillor workshop to discuss the allocation of funds by staff in the second round and review the Community Donations Policy.
- Receive a further report back following an outcome from the Councillor workshop.

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

AGAINST: Clr Tribe and Clr Johnston

CARRIED

**CL24.370 Re-establishment - Alcohol Free Zones (AFZ) - East Nowra, Shoalhaven Heads, Culburra Beach, Orient Point, Mollymook**

**HPERM Ref: D24/491766**

### Recommendation

That:

- Council proceeds with the re-establishment process of the Alcohol-Free Zones for a period of four (4) years in the areas of East Nowra, Shoalhaven Heads, Culburra Beach/Orient Point and Mollymook outlined in the attached maps, including consultation with licensees in the surrounding areas.
- Should no objections be received to the re-establishment of these zones, authority be given to the CEO (Director City Performance) to proceed with the declaration of the above areas as an Alcohol-Free Zone, without further reference to Council.

**RESOLVED** (Clr White / Clr Norris)

MIN24.637

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That:

1. Council proceeds with the re-establishment process of the Alcohol-Free Zones for a period of four (4) years in the areas of East Nowra, Shoalhaven Heads, Culburra Beach/Orient Point and Mollymook outlined in the attached maps, including consultation with licensees in the surrounding areas.
2. Should no objections be received to the re-establishment of these zones, authority be given to the CEO (Director City Performance) to proceed with the declaration of the above areas as an Alcohol-Free Zone, without further reference to Council.

FOR: Clr White, Clr Kemp, 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

#### CL24.371 Ongoing Register of Pecuniary Interest Returns - October 2024

HPERM Ref:  
D24/479280

**RESOLVED\*** (Clr Boyd / Clr Wilkins)

MIN24.638

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 October to 31 October 2024 be received for information.

FOR: Clr White, Clr Kemp, 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

#### CL24.372 Investment Report – October 2024

HPERM Ref:  
D24/486857

##### Recommendation

That Council:

1. Receive the Record of Investments for the period to 31 October 2024.
2. Note that Council's total Investment Portfolio returned 5.15% per annum for the month of October 2024, outperforming the benchmark AusBond Bank Bill Index (4.50% pa) by 65 basis points (0.65%).

**RESOLVED** (Clr Proudfoot / Clr White)

MIN24.639

That Council:

1. Receive the Record of Investments for the period to 31 October 2024.
2. Note that Council's total Investment Portfolio returned 5.15% per annum for the month of October 2024, outperforming the benchmark AusBond Bank Bill Index (4.50% pa) by 65 basis points (0.65%).

FOR: Clr White, Clr Kemp, 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

#### CL24.373 DPOP 2024-25 – Quarterly Performance and Budget

HPERM Ref:

## Report (July – September)

D24/449948

### Recommendation

That Council:

1. Receive the September Quarterly Performance Report on the 2022-2026 Delivery Program and 2024-25 Operational Plan and publish on Council's website.
2. Receive the September 2024 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the September 2024 Quarterly Budget Report Document.
4. Endorse the creation of a new internal restriction that will be used to quarantine the savings identified through the Financial Sustainability Project from FY 2024-25 onwards.

**RESOLVED** (Clr Boyd / Clr White)

MIN24.640

That Council:

1. Receive the September Quarterly Performance Report on the 2022-2026 Delivery Program and 2024-25 Operational Plan and publish on Council's website.
2. Receive the September 2024 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the September 2024 Quarterly Budget Report Document.
4. Endorse the creation of a new internal restriction that will be used to quarantine the savings identified through the Financial Sustainability Project from FY 2024-25 onwards.

FOR: Clr White, Clr Kemp, 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

## CL24.374 Recognition of Community Led Plans

HPERM Ref:  
D24/478415

Note: A Deputation was received on this item.

### Recommendation

That Council:

1. Recognise the following Community Led Plans:
  - a. Cambewarra Village Business Plan
  - b. Red Head Villages – Community Plan for a sustainable future 2024-2030
2. Acknowledges the dedication of the community members involved in developing these plans and encourages partnerships to achieve good outcomes into the future.
3. Will utilise Community Led Plans to assist in determining community priorities and needs as part of its overall community engagement strategy, and notes the priority projects to be considered in the annual development of the Operational Plan and Budget.

**RESOLVED** (Clr Norris / Clr Wilkins)

MIN24.641

That Council:

1. Recognise the following Community Led Plans:
  - a. Cambewarra Village Business Plan

b. Red Head Villages – Community Plan for a sustainable future 2024-2030

2. Acknowledges the dedication of the community members involved in developing these plans and encourages partnerships to achieve good outcomes into the future.
3. Will utilise Community Led Plans to assist in determining community priorities and needs as part of its overall community engagement strategy, and notes the priority projects to be considered in the annual development of the Operational Plan and Budget.
4. Authorise the Acting CEO (or Delegate) to assist in exploring funding options, including grant applications.

FOR: Clr White, Clr Kemp, 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

**CL24.375 Report Back – Council Advocacy: Stricter Planning Regulation of Tobacco and Vape Stores**

**HPERM Ref: D24/425481**

**Recommendation**

That Council

1. Receive the report back (required by Part 5 of MIN24.317, 3 June 2024) on Council's advocacy to the NSW Government and Local Government NSW regarding controls on tobacconist stores for information;
2. Monitor any outcomes from the motion in this regard to the 2024 Local Government NSW Conference and also the NSW Department of Planning, Housing and Infrastructure's review into the appropriateness of tobacconist stores being located near sensitive land uses through exempt and complying development planning provisions; and
3. Consider a future report on this matter if needed, depending on the outcome of Part 2.

**RESOLVED** (Clr Boyd / Clr Norris)

MIN24.642

That Council

1. Receive the report back (required by Part 5 of MIN24.317, 3 June 2024) on Council's advocacy to the NSW Government and Local Government NSW regarding controls on tobacconist stores for information;
2. Monitor any outcomes from the motion in this regard to the 2024 Local Government NSW Conference and also the NSW Department of Planning, Housing and Infrastructure's review into the appropriateness of tobacconist stores being located near sensitive land uses through exempt and complying development planning provisions; and
3. Consider a future report on this matter if needed, depending on the outcome of Part 2.

FOR: Clr White, Clr Kemp, 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

**CL24.376 Post-Exhibition and Finalisation – Planning Proposal – Local Character – Shoalhaven Local Environmental Plan 2014 (PP073)**

**HPERM Ref: D24/308440**

**RESOLVED\*** (Clr Tribe / Clr Cox)

MIN24.643

That Council:

1. Adopt Planning Proposal PP073 as exhibited, and using Council's delegation, forward to the NSW Parliamentary Counsel's Office to draft the resulting amendment to the Shoalhaven Local Environmental Plan 2014 and proceed to finalisation.
2. Advise key stakeholders, including those who made a submission and CCBs, of this decision and when the Amendment will be made effective.

FOR: Clr White, Clr Kemp, 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.

**CL24.377 Disaster Relief Australia Memorandum of Understanding  
with Shoalhaven City Council****HPERM Ref:  
D24/500077**

Note: Clr Clancy declared a less than significant non-pecuniary interest declaration – Clr is an active volunteer - she remained in the room and took part in the discussion and voted.

**Recommendation**

That Council

1. Enter into the proposed Memorandum of Understanding with Disaster Relief Australia for an initial period of two years, to be reviewed and possibly extended at that time on mutual agreement.
2. Delegate the Acting CEO to sign the Memorandum of Understanding on behalf of Shoalhaven City Council.
3. Note Disaster Relief Australia will attend an upcoming meeting of the Local Emergency Management Committee to familiarise itself with the membership of the Committee and also provide an opportunity for the Committee to develop its relationship with Disaster Recovery Australia.

**RESOLVED** (Clr White / Clr Cox)

MIN24.644

That Council

1. Enter into the proposed Memorandum of Understanding with Disaster Relief Australia for an initial period of two years, to be reviewed and possibly extended at that time on mutual agreement.
2. Delegate the Acting CEO to sign the Memorandum of Understanding on behalf of Shoalhaven City Council.
3. Note Disaster Relief Australia will attend an upcoming meeting of the Local Emergency Management Committee to familiarise itself with the membership of the Committee and also provide an opportunity for the Committee to develop its relationship with Disaster Recovery Australia.

FOR: Clr White, Clr Kemp, 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

**CL24.378 Acquisition of Land for Road Widening – Part Lot 5 DP 571465 – 5 Kingsley Avenue, Ulladulla**

**HPERM Ref: D24/446451**

Note: Cllr White declared a less than significant non-pecuniary interest – Cllr knows the owner of the property – she remained in the room and took part in the discussion and voted.

**Recommendation**

That Council

1. Acquire by negotiation under section 177 of the *Roads Act 1993* the land described as part Lot 5 DP571465 identified in this report, for road widening purposes comprising an area of approximately 25m<sup>2</sup> (subject to final survey and plan of acquisition).
2. Authorise the Chief Executive Officer be delegated with authority to complete negotiations including compensation payable in the amount \$22,500 excluding GST (if applicable) including minor adjustments subject to final survey.
3. Dedicate the identified area of part Lot 5 DP571465 as public road pursuant to section 10 of the *Roads Act 1993* including notice in the Government Gazette.
4. Be responsible for all costs including landowner's reasonable costs such valuation, survey, plan registration, transfer and legal costs in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
5. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

**RESOLVED** (Cllr Krikstolaitis / Cllr Casmiri)

MIN24.645

That Council

1. Acquire by negotiation under section 177 of the *Roads Act 1993* the land described as part Lot 5 DP571465 identified in this report, for road widening purposes comprising an area of approximately 25m<sup>2</sup> (subject to final survey and plan of acquisition).
2. Authorise the Chief Executive Officer be delegated with authority to complete negotiations including compensation payable in the amount \$22,500 excluding GST (if applicable) including minor adjustments subject to final survey.
3. Dedicate the identified area of part Lot 5 DP571465 as public road pursuant to section 10 of the *Roads Act 1993* including notice in the Government Gazette.
4. Be responsible for all costs including landowner's reasonable costs such valuation, survey, plan registration, transfer and legal costs in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
5. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

**CL24.379 Grant Electricity Easement to Endeavour Energy – Community Battery – Lot 35 DP 242182 33 Tannery Rd Cambewarra**

**HPERM Ref: D24/473325**

## Recommendation

That Council:

1. Grant an Easement for Electricity pursuant to section 46(1)(a) of the *Local Government Act* 1993 approximately 64m<sup>2</sup> area (subject to final survey) over Council community land known as Lot 35 DP 242182, 33 Tannery Road, Cambewarra in favour of Endeavour Energy as shown on Figure 2.
2. Accept payment in the amount of \$10,000 (excluding GST) as compensation for the grant of easement which includes Council's valuation and legal costs of \$2,700 (excluding GST) associated with the proposed grant of easement.
3. Consent to Endeavour Energy being responsible for preparation of the easement survey and plan registration with NSW Land Registry Services.
4. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any document required to be sealed and delegates authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

**RESOLVED** (Clr Norris / Clr Casmiri)

MIN24.646

That Council:

1. Grant an Easement for Electricity pursuant to section 46(1)(a) of the *Local Government Act* 1993 approximately 64m<sup>2</sup> area (subject to final survey) over Council community land known as Lot 35 DP 242182, 33 Tannery Road, Cambewarra in favour of Endeavour Energy as shown on Figure 2.
2. Accept payment in the amount of \$10,000 (excluding GST) as compensation for the grant of easement which includes Council's valuation and legal costs of \$2,700 (excluding GST) associated with the proposed grant of easement.
3. Consent to Endeavour Energy being responsible for preparation of the easement survey and plan registration with NSW Land Registry Services.
4. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any document required to be sealed and delegates authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

FOR: Clr White, Clr Kemp, 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

## **CL24.380 Coastal Management Program Advisory Committees and Floodplain Risk Management Committees**

**HPERM Ref: D24/424103**

## Recommendation

That Option 1 of combining the CMP Advisory Committees and Floodplain Risk Management Committees by geography (northern / central / southern) be adopted and effective as soon as a new Terms of Reference for the combined Committees has been established and adopted by Council.

**RESOLVED** (Clr Boyd / Clr White)

MIN24.647

That Option 1 of combining the CMP Advisory Committees and Floodplain Risk Management Committees by geography (northern / central / southern) be adopted and effective as soon as a new Terms of Reference for the combined Committees has been established and adopted by Council.

FOR: Clr White, Clr Kemp, 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

**CL24.381 Report back to Council - Notice of Motion - Tourist Cabins / Farm Stay - Commercial Farm / Primary Production land - Pre lodgement Discussion**

**HPERM Ref:  
D24/385908**

**Recommendation**

That Council:

1. Receive the report and its findings for information; and
2. Consider the matters raised in respect of land use characterisation and controls as part of its work on Stage 2 of the New Land Use Planning Scheme for Shoalhaven, including any required or possible amendments to the Shoalhaven Local Environmental Plan and Shoalhaven Development Control Plan.

**RESOLVED** (Clr Wilkins / Clr Cox)

MIN24.648

That Council:

1. Receive the report and its findings for information; and
2. Consider the matters raised in respect of land use characterisation and controls as part of its work on Stage 2 of the New Land Use Planning Scheme for Shoalhaven, including any required or possible amendments to the Shoalhaven Development Control Plan.

FOR: Clr White, Clr Kemp, 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

## **ADDENDUM REPORTS**

**CL24.382 Report Back - Ulladulla Harbour Boat Ramp**

**HPERM Ref:  
D24/508923**

**Recommendation**

That Council

1. Note the advice provided in this report.
2. Reconsider the deferred Mayoral Minute of Ordinary Council Meeting of 12 November (MIN24.599) as required.

**RESOLVED** (Clr White / Clr Dunn)

MIN24.649

That Council

1. Note the advice provided in this report.
2. Receive a further report back to the next Ordinary Meeting scheduled for 10 December 2024.

FOR: Clr White, Clr Kemp, 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

There being no further business, the meeting concluded, the time being 8.53pm.

Clr White  
CHAIRPERSON

Note: A Rescission Motion was received following the conclusion of the meeting in relation to CL24.376 - Post-Exhibition and Finalisation – Planning Proposal – Local Character – Shoalhaven Local Environmental Plan 2014 (PP073) signed by Clr Casmiri, Clr Wilkins and Clr White. This will be considered the Ordinary Meeting on 10 December 2024 at 5:30pm in the Council Chambers.