

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 10 June 2025
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

The following members were present:

Clr Patricia White - Chairperson
Clr Selena Clancy
Clr Denise Kemp
Clr Luciano Casmiri (left 9.12pm, returned 9.21pm)
Clr Karlee Dunn
Clr Jason Cox
Clr Peter Wilkins (left 9.12pm, returned 9.21pm)
Clr Bob Proudfoot
Clr Jemma Tribe
Clr Matthew Norris
Clr Gillian Boyd
Clr Natalee Johnston
Clr Ben Krikstolaitis

A statement was played 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.

The Mayor thanked the Deputy Mayor and Assistant Deputy Mayor, and staff for their assistance and dedication during her recent absence due to illness.

Apologies / Leave of Absence

RESOLVED (Clr White) MIN25.274

That:

1. The request for leave of absence for Clr Krikstolaitis for the period of 11 June 2025 to 2 July 2025 be granted.
2. Council note the apology submitted by Clr Johnston for the Extra Ordinary Meeting of the Council for 19 June 2025.

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

AGAINST: Nil

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Casmiri / Clr Wilkins) MIN25.275

That the Minutes of the Ordinary Meeting held on Tuesday 27 May 2025 be confirmed.

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

AGAINST: Nil

CARRIED

Declaration of Interests

Note: The Chairperson asked Clr Wilkins and Clr Casmiri to leave the meeting in relation to item CL25.191 - Update on two Planning Proposal (rezoning) matters at Callala Bay as they are Council's appointed representatives on the JRPP. Clr Wilkins and Clr Casmiri did not declare an interest and did not take part in discussion or vote.

MAYORAL MINUTE

Procedural Motion – Introduction of Addendum Report

RESOLVED (PRODECURAL MOTION) (Clr Norris / Clr Johnston) MIN25.276

That the following addendum report be introduced as a matter of urgency:

- MM25.12 Mayoral Minute - Support for Drug Court Regulation 2020 Regulation 5(a).

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

AGAINST: Nil

CARRIED

The Chairperson ruled the matter as one of urgency as it relates to urgent business of Council and allowed the introduction.

MM25.12 Mayoral Minute - Support for Drug Court Regulation 2020 Regulation 5(a)

**HPERM Ref:
D25/248087**

Recommendation

That Council:

1. Note the correspondence from Kiama Council of 28 May 2025 seeking support from Shoalhaven City Council for the amendment to Regulation 5(a) of the Drug Court Regulation 2020.
2. Write to the Hon Michael Daley, Attorney General expressing support for the Regulation 5(a) of the Drug Court Regulation 2020 to expand the eligibility of the Drug Court to residents of the Shoalhaven.

RESOLVED (Clr White / Clr Proudfoot)

MIN25.277

That Council:

1. Note the correspondence from Kiama Council of 28 May 2025 seeking support from Shoalhaven City Council for the amendment to Regulation 5(a) of the Drug Court Regulation

2020.

2. Write to the Hon Michael Daley, Attorney General expressing support for the Regulation 5(a) of the Drug Court Regulation 2020 to expand the eligibility of the Drug Court to residents of the Shoalhaven.

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

AGAINST: Nil

CARRIED

Procedural Motion – Introduction of a Deputation

PROCEDURAL MOTION (Clr Tribe)

That an additional deputation from Ms Parri Barrele in relation to Item CL25.190 - Update on two Planning Proposal (rezoning) matters at Callala Bay.

The Chairperson ruled in favour of the procedural motion and allowed the deputation.

DEPUTATIONS AND PRESENTATIONS

CL25.180 - Notice of Motion - Proposed Variation to Shoalhaven DCP Chapter G8: Onsite Sewage Management for Tomerong Village

Mr Lachlan Bryce addressed the meeting to speak FOR the recommendation.

CL25.185 - Development Application - MA24/1134 modification of SF5332 Lot 22 DP717323 Wells Place Shoalhaven Heads

Ms Rebecca Lockhart addressed the meeting on behalf of the Owner to speak FOR the recommendation.

Ms Mark Wells addressed the meeting to speak AGAINST the recommendation.

CL25.187 - Development Application - DA23/1474 - 5 Burr Ave Nowra - Lot 5 DP 32228

Ms Lauren Turner (MMJ Town Planning) addressed the meeting on behalf of the Owner to speak FOR the recommendation.

CL25.190 - Update on two Planning Proposal (rezoning) matters at Callala Bay

Mr Matt Philpott addressed the meeting on behalf of Sealark Pty Ltd to speak FOR the recommendation.

Mr Duncan Marshall addressed the meeting on behalf of Callala Matters to speak AGAINST the recommendation.

Ms Parri Barrele addressed the meeting to speak AGAINST the recommendation.

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL25.178 Rescission Motion - CL25.164 Councillor Expenses and Facilities Policy - For Adoption

**HPERM Ref:
D25/236649**

Recommendation

That Council rescind the Motion relating to Item CL25.164 Councillor Expenses and Facilities Policy - for Adoption of the Council Meeting held on Tuesday 27 May 2025.

Minutes Confirmed Tuesday 17 June 2025 – Chairperson

RESOLVED (Clr Kemp / Clr Clancy)

MIN25.278

That Council rescind the Motion relating to Item CL25.164 Councillor Expenses and Facilities Policy - for Adoption of the Council Meeting held on Tuesday 27 May 2025.

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

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

CARRIED

CL25.179 Notice of Motion - CL25.164 Councillor Expenses and Facilities Policy - For Adoption

HPERM Ref: D25/236650

Recommendation

That Council in accordance with Section 252 of the Local Government Act 1993, adopt the draft Councillor Expenses and Facilities Policy (Formerly known as "Council Members – Payment of Expenses and Provision of Facilities Policy") as publicly exhibited and attached. (Attachment 1) to commence from 1 July 2025.

Clr Dunn raised a Point of Order, questioned whether the petition is relevant to the Councillors Expenses Policy. The Mayor ruled against the Point of Order

Clr Tribe raised a Point of Order as petition was included in the business paper as a submission that was received from the community ad not in the context of a petition. The Mayor ruled against the Point of Order.

Clr Krikstolaitis raised a Point of Order against Clr Kemp regarding her statements regarding the petitioner. The Mayor ruled against the Point of Order.

RESOLVED (Clr Kemp / Clr Clancy)

MIN25.279

That Council:

1. In accordance with Section 252 of the Local Government Act 1993, adopt the draft Councillor Expenses and Facilities Policy (Formerly known as "Council Members – Payment of Expenses and Provision of Facilities Policy") as publicly exhibited and attached. (Attachment 1) to commence from 1 July 2025.
2. Not accept the petition included in the report CL25.164 provided to the 27 May 2025 Ordinary Meeting - and the CEO investigate the inclusion of that petition and the CEO provide a report back on the investigation.

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

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

CARRIED

CL25.180 Notice of Motion - Proposed Variation to Shoalhaven DCP Chapter G8: Onsite Sewage Management for Tomerong Village

HPERM Ref: D25/223032

Note: A Deputation was received on this item.

Recommendation

That Council approve a general variation to the requirements of Chapter G8: Onsite Sewage Management in the Shoalhaven Development Control Plan (DCP) 2014 to allow pump out services

to be provided (at developers expense) in appropriate circumstances for residential development or subdivisions at Tomerong (area zoned RU5 Village) for any development applications or similar received, acknowledging the planned delivery of a sewerage scheme for the village.

RESOLVED (Clr Tribe / Clr Kemp)

MIN25.280

That:

1. Council approve a general variation to the requirements of Chapter G8: Onsite Sewage Management in the Shoalhaven Development Control Plan (DCP) 2014 to allow pump out services to be provided (at developers expense) in appropriate circumstances for residential development or subdivisions at Tomerong (area zoned RU5 Village) for any development applications or similar received, acknowledging the planned delivery of a sewerage scheme for the village.
2. Once the sewer is connected, the pump out system for the property be connected to the reticulation sewer and the temporary arrangements be removed.

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

AGAINST: Nil

CARRIED

CL25.181 Notice of Motion - Shoalhaven Motorsports Complex

**HPERM Ref:
D25/245410**

Recommendation

That make provision in the Long Term Financial Plan for a Motorsports Complex and associated business enterprises to be constructed in the Shoalhaven.

MOTION (Clr Wilkins / Clr Casmiri)

That Council:

1. Make provision in the Long-Term Financial Plan for a Motorsports Complex and associated business enterprises to be constructed in the Shoalhaven.
2. Resolve to reinstate the Shoalhaven Motor Sports Working Group as a formal Committee of Council, reversing resolution CL24.396 which paused the Committee.
3. Reinstatement the Committee under its existing Terms of Reference, with the following updates:
 - a. Replace references to the City Futures directorate with the relevant current Council director or manager responsible for infrastructure.
 - b. Include new community representatives who have participated in the Mayor's Motorsport Panel meetings.
 - c. Provide standing invitations to the State Members for Kiama and South Coast (or delegates) and the Federal Member for Gilmore (or delegate) to participate in the Committee.

RESOLVED (AMENDMENT) (Clr Tribe / Clr Krikstolaitis)

MIN25.281

That Council:

1. Make provision in the Community Strategic Plan for a Motorsports Complex and associated business enterprises to be constructed in the Shoalhaven and once fully documented, a business case prepared, and deemed appropriate include in the Long Term Financial Plan..
2. Resolve to reinstate the Shoalhaven Motor Sports Working Group as a formal Committee of Council, reversing resolution CL24.396 which paused the Committee.

3. Reinstatement of the Committee under its existing Terms of Reference, with the following updates:
- Replace references to the City Futures directorate with the relevant current Council director or manager responsible for infrastructure.
 - Include new community representatives who have participated in the Mayor's Motorsport Panel meetings.
 - Provide standing invitations to the State Members for Kiama and South Coast (or delegates) and the Federal Member for Gilmore (or delegate) to participate in the Committee.

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

AGAINST: Clr White, Clr Clancy, Clr Kemp, Clr Cox and Clr Wilkins

AMENDMENT WAS CARRIED AND BECAME THE MOTION.

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

AGAINST: Nil

CARRIED

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En block – City Development

RESOLVED (Clr Krikstolaitis / Clr Norris) MIN25.282

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

- CL25.186 - Development Application - DA25/1204 - 1 Greenwell Point Road Nowra - Lot 23 DP241510

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

AGAINST: Nil

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

CARRIED

Call Over of Business Paper - En block – City Development

RESOLVED (Clr Proudfoot / Clr Cox) MIN25.283

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

- CL25.187 - Development Application - DA23/1474 - 5 Burr Ave Nowra - Lot 5 DP 32228

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

AGAINST: Nil

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

CARRIED

Call Over of Business Paper - En block – City Development

RESOLVED (Clr Norris / Clr Cox) MIN25.284

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

- CL25.188 - Development Application - DA24/1145 - 39 Norfolk Avenue South Nowra - Lot 105 DP 1305372

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

AGAINST: Nil

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

CARRIED

Call Over of Business Paper - En block – City Development

RESOLVED (Clr Dunn / Clr Johnston) MIN25.285

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

- CL25.189 - Development Application - DA24/1044 - 43 Princes Highway ULLADULLA - Lot 13 Sec 12 DP 759018

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

AGAINST: Nil

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

CARRIED

REPORT OF THE FINANCIAL REVIEW PANEL - 1 MAY 2025 & 20 MAY 2025

FR25.29 Additional Item - 2025/2026 DPOP & Budget - Compliance with Acts - Waste Management Strategy

Recommendation

That, as part of the 2025/2026 Delivery Program and Operational Plan, Council direct the Acting CEO to ensure:

- Compliance with the provisions of the Local Government Act (1993) and the NSW Integrated Planning and Reporting Guidelines.
- Compliance with the Crown Land Management Act (2016).
- Includes an action to undertake a review of Council's Waste Management strategy.

RESOLVED (Clr Proudfoot / Clr Tribe) MIN25.286

That as part of the 2025/2026 Delivery Program and Operational Plan, Council direct the Acting CEO to ensure:

- Compliance with the provisions of the Local Government Act (1993) and the NSW Integrated Planning and Reporting Guidelines.
- Compliance with the Crown Land Management Act (2016).
- Includes an action to undertake a review of Council's Waste Management strategy.

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

AGAINST: Clr Norris and Clr Krikstolaitis

CARRIED

REPORT OF THE FINANCIAL REVIEW PANEL - 28 MAY 2025

FR25.28 2025 / 2026 Budget Review

**HPERM Ref:
D25/227963**

Recommendation

That, as recommended by the Financial Review Panel, the 2025/2026 Delivery Program and Operational Plan be amended through the inclusion of the following Key Performance Measurement targets:

1. Unrestricted Current Ratio 1.5/1 by the end of 2026/27.
2. Employee costs per capita to be a maximum of 20% higher than the average of other Group 5 Councils by the end of 2026/27.
3. Debt per rateable property \$2,350 by the end of 2027/28, being approx. a reduction of \$53 million from June 2024.
4. A review of the rating structure by the end of 2027/28.
5. Revotes as a % of capital spend 90% each financial year.

MOTION (Clr Proudfoot / Clr Cox)

That, as recommended by the Financial Review Panel, the 2025/2026 Delivery Program and Operational Plan be amended through the inclusion of the following Key Performance Measurement targets:

1. Unrestricted Current Ratio 1.5/1 by the end of 2026/27.
2. Employee costs per capita to be a maximum of 20% higher than the average of other Group 5 Councils by the end of 2026/27.
3. Debt per rateable property \$2,350 by the end of 2027/28, being approx. a reduction of \$53 million from June 2024.
4. A review of the rating structure by the end of 2027/28.
5. Revotes as a % of capital spend 90% each financial year.

AMENDMENT (Clr Tribe / Clr Krikstolaitis)

That Council:

1. As recommended by the Financial Review Panel, the 2025/2026 Delivery Program and Operational Plan be amended through the inclusion of the following Key Performance Measurement targets:
 - a. Unrestricted Current Ratio 1.5/1 by the end of 2026/27.
 - b. Debt per rateable property \$2,350 by the end of 2027/28, being approx. a reduction of \$53 million from June 2024.
 - c. A review of the rating structure by the end of 2027/28.
 - d. Revotes as a % of capital spend 90% each financial year.

2. Note for information only the following recommendation of the Financial Review Panel
“Employee costs per capita to be a maximum of 20% higher than the average of other Group 5
Councils by the end of 2026/27.”

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

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

AMENDMENT LOST

RESOLVED (MOTION) (Clr Proudfoot / Clr Cox)

MIN25.287

That as recommended by the Financial Review Panel, the 2025/2026 Delivery Program and Operational Plan be amended through the inclusion of the following Key Performance Measurement targets:

1. Unrestricted Current Ratio 1.5/1 by the end of 2026/27.
2. Employee costs per capita to be a maximum of 20% higher than the average of other Group 5 Councils by the end of 2026/27.
3. Debt per rateable property \$2,350 by the end of 2027/28, being approx. a reduction of \$53 million from June 2024.
4. A review of the rating structure by the end of 2027/28.
5. Revotes as a % of capital spend 90% each financial year.

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

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

CARRIED

FR25.31 Additional Item - Expenditure - Contractors and Full Time Staff - Quarterly report

Recommendation

That, as recommended by the Financial Review Panel, expenditure on:

1. The use of contractors & consultants being employed to undertake roles currently being provided by Council staff, and
2. The number of Budgeted Full Time Equivalent Staff employed versus the actual Full Time Equivalent staff be reported separately each quarter in the review of the budget

RESOLVED (Clr Proudfoot / Clr Casmiri)

MIN25.288

That, as recommended by the Financial Review Panel, expenditure on:

1. The use of contractors & consultants being employed to undertake roles currently being provided by Council staff, and
2. The number of Budgeted Full Time Equivalent Staff employed versus the actual Full Time Equivalent staff be reported separately each quarter in the review of the budget.

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

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

CARRIED

FR25.32 Additional Item - Bereavement Services - Project Income Statement - EOI for Sale

Recommendation

That, as recommended by the Financial Review Panel,

1. The sustainability review prepare a projected income statement and cash flow for bereavement services should there be a substantial decrease in throughput.
2. A draft EOI be prepared for the sale/lease of the Worrigeer Crematorium / Chapel / Café.

RESOLVED (Clr Proudfoot / Clr Cox)

MIN25.289

That as recommended by the Financial Review Panel:

1. The sustainability review prepare a projected income statement and cash flow for bereavement services should there be a substantial decrease in throughput.
2. A draft EOI be prepared for the sale/lease of the Worrigeer Crematorium / Chapel / Café.

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

AGAINST: Clr Norris, Clr Boyd and Clr Krikstolaitis

CARRIED

REPORTS

**CL25.184 Local Government Remuneration Tribunal -
Determination of Councillor and Mayoral Fees 2025/2026**

**HPERM Ref:
D25/237820**

Recommendation

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 17 April 2025.
2. Adjust the Councillor Fee payable to Councillors from 1 July 2025 to 30 June 2026 to specific amount between \$21,120 (minimum) and \$34,820 (maximum) and for the Mayoral Additional Fee between \$44,840 (minimum) and \$101,470 (maximum).
3. Determine that the additional Mayoral fee (in full, or in part), not be paid directly to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave.

Clr White raised a Point of Order against Clr Tribe in relation to her comments on the reported job cuts target by 2026/2027. The Chairperson asked Clr Tribe to withdraw her comments and apologise unreservedly. After repeated attempts to elicit an apology, Clr Tribe withdrew her comments and apologised unreservedly. (amended at Ordinary Meeting 17 June 2025)

PROCEDURAL MOTION (Clr Krikstolaitis)

That the MOTION be PUT.

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

AGAINST: Nil

PROCEDURAL MOTION CARRIED

RESOLVED (Clr Clancy / Clr Proudfoot)

MIN25.290

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 17 April 2025.
2. Adjust the Councillor Fee payable to Councillors from 1 July 2025 to 30 June 2026 to \$34,820 and the Mayoral Additional Fee of \$101,470.
3. Defer the decision with respect to a Deputy Mayoral Fee for discussion between the Mayor and Deputy Mayor and CEO prior to a report being provided to the Council outlining arrangements for endorsement of the Council.

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

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

CARRIED

CL25.185 Development Application - MA24/1134 modification of SF5332 Lot 22 DP717323 Wells Place Shoalhaven Heads

HPERM Ref: D25/194843

Note: A Deputation was received on this item.

Recommendation

That Council determine the modification application by way of approval, and a consolidated consent including the approved modification be issued, as per Attachment 2.

RESOLVED (Clr Clancy / Clr Cox)

MIN25.291

That Council determine the modification application to amend the approved subdivision of Lot 22 DP717232, including relocation of proposed reserve from Wells Place to Shoalhaven Heads Road frontage, by way of refusal for the reasons outlined below:

Reasons for Refusal

1. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the application is not supported because the proposed location of the public open space is within the mapped flood fringe and is therefore not fit for purpose.
2. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development may have an adverse social and economic impact as a result of flooding impacts on neighbouring properties.
3. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the information submitted with the development application does not satisfactorily demonstrate that the site is suitable for the proposed use.
4. Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, due to the submissions made in objection to the modification.
5. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not in the public interest given the longstanding expectation of the local community.

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

AGAINST: Clr Dunn and Clr Krikstolaitis

CARRIED

Items marked with an * were resolved ‘en block’.

CL25.186 Development Application - DA25/1204 - 1 Greenwell Point Road Nowra - Lot 23 DP241510 **HPERM Ref: D25/158054**

RESOLVED* (Clr Krikstolaitis / Clr Norris) MIN25.292

That Council confirm that it supports the Clause 4.6 variation of 26.8% for Lot A and 26.3% for Lot B, with respect to the lot size of the proposed subdivision and approve the Development Application DA2025/1204 for Torrens Title subdivision of existing and approved dual occupancy (attached) development at 1 Greenwell Point Road, Nowra – Lot 23 DP 241510, as detailed in the draft conditions of consent (Attachment 4) to this report.

CARRIED

CL25.187 Development Application - DA23/1474 - 5 Burr Ave Nowra - Lot 5 DP 32228 **HPERM Ref: D25/205726**

Note: A Deputation was received on this item.

RESOLVED* (Clr Proudfoot / Clr Cox) MIN25.293

That the Ordinary Council approves the Development Application (DA23/1474) lodged over No. 5 Burr Avenue, Nowra subject to the conditions of consent listed in the Draft Determination Notice listed at Attachment 1.

CARRIED

CL25.188 Development Application - DA24/1145 - 39 Norfolk Avenue South Nowra - Lot 105 DP 1305372 **HPERM Ref: D25/196906**

RESOLVED* (Clr Norris / Clr Cox) MIN25.294

That Development Application DA2024/1145 for Construction of a new industrial building for use as General Industry and associated site works and services be determined by way of approval subject to the recommended conditions of consent provided at Attachment 3.

CARRIED

CL25.189 Development Application - DA24/1044 - 43 Princes Highway ULLADULLA - Lot 13 Sec 12 DP 759018 **HPERM Ref: D25/60175**

RESOLVED* (Clr Dunn / Clr Johnston) MIN25.295

That Development Application No. DA2024/1044 for Subdivision of 43 Princess Highway ULLADULLA - Lot 13 Sec 12 DP 759018 be determined by way of approval subject to the recommended conditions of consent provided at Attachment 4.

CARRIED

CL25.190 Update on two Planning Proposal (rezoning) matters at Callala Bay **HPERM Ref: D25/187448**

Note: A Deputation was received on this item.

Recommendation

That Council:

1. Receive the NSW Planning Minister’s letter declining to rezone the Halloran Trust’s Urban Release Area (URA) at Callala Bay to environmental conservation for information.

2. Acknowledge that initiating a Council-led Planning Proposal seeking to now rezone the Callala Bay Urban Release Area (URA) to C2 Environmental Conservation would:
 - a. need to demonstrate strategic and site-specific merit, including any impact on Council's ability to meet the Government's housing targets
 - b. necessitate the allocation of staff resources and possibly funding
 - c. be unlikely to progress beyond the Gateway step, given the Minister's response noting that:
 - i. the NSW Government was aware of and considered the community's biodiversity concerns when it rezoned the land in 2022 as part of the broader PP for the Halloran Trust's land at Callala Bay, Wollumboola and Kinghorne
 - ii. under the 2024 National Housing Accord, the NSW Government has committed to the target of 377,000 new well-located homes across the state by 2029, including 4,900 in the Shoalhaven LGA
3. Not initiate a Planning Proposal given the above circumstances.
4. Authorise the Acting CEO to submit a written submission on the Planning Proposal for Lot 5 DP 1225356, Sealark Road, Callala Bay (upon exhibition), raising concerns about strategic and site merit and integrating relevant staff feedback on the supporting technical reports.

PROCEDURAL MOTION – EXTENSION OF MEETING (Clr Wilkins / Clr Cox)

That the meeting be extended to 9.45pm.

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

AGAINST: Nil

PROCEDURAL MOTION CARRIED

Note: The Chairperson requested that Clr Wilkins and Clr Casmiri leave the room as they are Council's representatives on the JRPP.

Clr Wilkins and Clr Casmiri left the meeting at 9.12pm.

RESOLVED (Clr White / Clr Clancy)

MIN25.296

That Council:

1. Receive the NSW Planning Minister's letter declining to rezone the Halloran Trust's Urban Release Area (URA) at Callala Bay to environmental conservation for information and not initiate a Planning Proposal.
2. Not submit a written submission on the Planning Proposal for Lot 5 DP 1225356, Sealark Road, Callala Bay (upon exhibition).

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Dunn, Clr Cox and Clr Proudfoot

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

CARRIED

CL25.191 Report Back - Planning Proposal: Local Character (PP073) - Finalisation Options

HPERM Ref: D25/182369

Note: Clr Wilkins and Clr Casmiri returned to the meeting at 9.21pm

Recommendation

That Council:

1. Proceed to 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 Shoalhaven Local Environmental Plan (LEP) 2014 and proceed to finalisation.
2. Monitor the effectiveness and operation of the Amendment for a period of 12 months following commencement and if needed Council will receive a further report detailing any relevant outcomes and any resulting proposed adjustments to improve or clarify the operation of the new character aims and objectives in Shoalhaven LEP 2014.
3. Depending on the information gathered from Part 2 of this resolution, if needed consider any earlier adjustments that are required to improve, clarify or improve the operation of the provisions in the LEP if the need arises.
4. Consider as part of Councils Stage 2 work on a New Land Use Planning Scheme, subject to funding and resourcing, the preparation of new or revised character statements with the community for inclusion in the Shoalhaven Development Control Plan.
5. Advise key stakeholders, including Community Consultative Bodies and those who made a submission during the exhibition period, of this decision and when the Amendment is made effective.

Note: Clr Kemp raised a Point of Order with concerns of the facial expressions of Councillors being shown towards others during the meeting. The Mayor asked all Councillors to remain respectful of each other or else they will be asked to leave.

MOTION (Clr Tribe / Clr Krikstolaitis)

That Council:

1. Proceed to 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 Shoalhaven Local Environmental Plan (LEP) 2014 and proceed to finalisation.
2. Monitor the effectiveness and operation of the Amendment for a period of 12 months following commencement and if needed Council will receive a further report detailing any relevant outcomes and any resulting proposed adjustments to improve or clarify the operation of the new character aims and objectives in Shoalhaven LEP 2014.
3. Depending on the information gathered from Part 2 of this resolution, if needed consider any earlier adjustments that are required to improve, clarify or improve the operation of the provisions in the LEP if the need arises.
4. As part of the Stage 2 work on a New Land Use Planning scheme, consider the preparation of new or revised character statements with the community for inclusion in the Shoalhaven Development Control Plan and in the meantime utilise the *Shoalhaven Character Assessments Report (Roberts Day 2020)* where required, with the exception of the 'sensitivity to change' rating which is to be disregarded.
5. Advise key stakeholders, including Community Consultative Bodies and those who made a submission during the exhibition period, of this decision and when the Amendment is made effective.

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

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

Minutes Confirmed Tuesday 17 June 2025 – Chairperson

MOTION LOST

PROCEDURAL MOTION – EXTENSION OF MEETING (Clr Casmiri / Clr Cox)

That the meeting be extended to 10.00pm.

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

AGAINST: Clr Clancy and Clr Johnston

PROCEDURAL MOTION CARRIED

RESOLVED (FORESHADOWED MOTION) (Clr Proudfoot / Clr Wilkins)

MIN25.297

That Council:

1. Not proceed with Planning Proposal PP073 and advise the NSW Department of Planning, Housing & infrastructure accordingly.
2. As part of the Stage 2 work on a New Land Use Planning Scheme for Shoalhaven, Council consider the preparation of new or revised character statements with the community, subject to funding and resourcing, for inclusion only in the Shoalhaven Development Control Plan.
3. Advise key stakeholders, including Community Consultative Bodies and those who made a submission during the exhibition period.

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

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

FORESHADOWED MOTION CARRIED

Note: A rescission motion was received on this item.

CL25.192 Adoption of the Sussex Inlet, St Georges Basin, Swan Lake and Berrara Creek Coastal Management Program

**HPERM Ref:
D25/73367**

Recommendation

That Council:

1. Adopt the Sussex Inlet, St Georges Basin, Swan Lake and Berrara Creek Coastal Management Program (CMP) and the CMP be submitted to the relevant NSW Government Minister for certification.
2. Note the resourcing requirements encompassed by the plan and its actions (Stage 5 - implementation), with capital and operational allocations to be determined via budget processes, and the reliance on grant funding for delivery.

RESOLVED (Clr White / Clr Proudfoot)

MIN25.298

That Council:

1. Adopt the Sussex Inlet, St Georges Basin, Swan Lake and Berrara Creek Coastal Management Program (CMP) and the CMP be submitted to the relevant NSW Government Minister for certification.
2. Receive a report back on the resourcing requirements and the implementation of the plan and its actions (Stage 5 - implementation).

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

AGAINST: Nil

CARRIED

CL25.193 Adoption of the Lower Shoalhaven River Coastal Management Program

**HPERM Ref:
D25/74614**

Recommendation

That Council

1. Adopt the Lower Shoalhaven River Coastal Management Program (CMP) and the CMP be submitted to the relevant NSW Government Minister for certification.
2. Note the resourcing requirements encompassed by the plan and its actions (Stage 5 implementation), with capital and operational allocations to be determined via budget processes, and the reliance on grant funding for delivery.
3. Note that the Northern CMP Advisory Committee have requested that Council consider, through the implementation of the Lower Shoalhaven River CMP, additional sites for water testing where available resources and funding can be identified.

RESOLVED (Clr Clancy / Clr Norris)

MIN25.299

That Council defer this item for consideration at the Ordinary Meeting to be held on 17 June 2025.

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

AGAINST: Nil

CARRIED

CL25.194 Adoption of the Lake Conjola Coastal Management Program

**HPERM Ref:
D24/517449**

Recommendation

That Council:

1. Adopt the Lake Conjola Coastal Management Program (CMP) and the CMP be submitted to the relevant NSW Government Minister for certification.
2. Note: Resourcing requirements, encompassed by the plan and its actions, are to be determined via budget processes and grant funding for delivery.

RESOLVED (Clr White / Clr Kemp)

MIN25.300

That Council:

1. Adopt the Lake Conjola Coastal Management Program (CMP) and the CMP be submitted to the relevant NSW Government Minister for certification.
2. Receive a report back on the resourcing requirements and the implementation of the plan and its actions (Stage 5 - implementation).

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

AGAINST: Nil

CARRIED

Note: A Rescission Motion was received in relation to CL25.191 - Report Back - Planning Proposal: Local Character (PP073) - Finalisation Options signed by Clr Tibe, Clr Norris, Clr Johnston. It will be considered at the Ordinary Meeting on Tuesday 17 June 2025 at 5.30pm in the Council Chambers

There being no further business, the meeting concluded, the time being 9.54pm.

Clr White
CHAIRPERSON