

## MINUTES OF THE ORDINARY MEETING

**Meeting Date:** Monday, 22 January 2024  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

The following members were present:

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

The Chairperson read a statement advising those present that the proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice.

The meeting was opened by an Acknowledgement of Country by the Chairperson, followed with a Moment of Silence & Reflection and the playing of the Australian National Anthem.

### Apologies / Leave of Absence

Nil

### Confirmation of the Minutes

**RESOLVED** (Clr Christen / Clr Kotlash) MIN24.1

That the Minutes of the Ordinary Meeting held on Monday 11 December 2023 be confirmed.

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

AGAINST: Nil

CARRIED

## Declaration of Interests

Clr Eil – CL24.19 - Notice of Motion - Call in DA23/1839– Less than significant non pecuniary interest declaration - Landowner known to him personally through mutual membership of the Liberal Party – will remain in the room and will take part in discussion or vote.

## MAYORAL MINUTE

### MM24.1 Mayoral Minute - Condolence Motion Uncle Stanley Braddick (Poddy) HPERM Ref: D24/6958

**RESOLVED** (Clr Findley / Clr Kotlash) MIN24.2

That Shoalhaven City Council note the passing of Uncle Stanley Braddick (Poddy). We acknowledge his contribution to the community and extends condolences to the Braddick family.

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

AGAINST: Nil

CARRIED

### MM24.2 Mayoral Minute - Condolence Motion Scott Balsar HPERM Ref: D24/17691

**RESOLVED** (Clr Findley / Clr Wells) MIN24.3

That Council notes the passing of Mr Scott Balsar and writes to his wife Carla and children Chloe, Elijah and Gemma.

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

AGAINST: Nil

CARRIED

## DEPUTATIONS AND PRESENTATIONS

### CL24.10 - Post Exhibition and Finalisation – 45 Degree Rule Trial Amendment (No 54) – Shoalhaven Development Control Plan 2014

Ms Carlene Timbs addressed the meeting to speak FOR the recommendation.

### CL24.19 - Notice of Motion - Call in DA23/1839

Mr John Morrison addressed the meeting to speak AGAINST the recommendation.

Mr Carmelo Pesce addressed the meeting to speak AGAINST the recommendation.

## CALL OVER OF THE BUSINESS PAPER

### Call Over of Business Paper - En block

**RESOLVED** (Clr Wells / Clr White) MIN24.4

That the following items from Committee Reports be resolved en block:

- SB23.16 - Sports Grants Program 2023 / 24 - Funding Determinations
- AB23.38 - Shoalhaven City Art Collection - Acquisition of Works

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

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

AGAINST: Nil

CARRIED

### Call Over of Business Paper - En block

**RESOLVED** (Clr Christen / Clr Gray) MIN24.5

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

- CL24.4 - CEO Appointment – Delegations
- CL24.6 - Investment Report - November/December 2023
- CL24.8 - Ongoing Register of Pecuniary Interest Returns - December 2023

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

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

AGAINST: Nil

CARRIED

### Call Over of Business Paper - En block

**RESOLVED** (Clr Kotlash / Clr Gray) MIN24.6

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

- CL24.11 - Land Sales Strategy
- CL24.13 - Buy Back Property - Industrial Land South Nowra

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

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

AGAINST: Nil

CARRIED

### Call Over of Business Paper - En block

**RESOLVED** (Clr Copley / Clr White) MIN24.7

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

- CL24.15 - Exemption to Tendering - Mobile Library Van

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

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

AGAINST: Nil

CARRIED

### Call Over of Business Paper - En block

**RESOLVED** (Clr Copley / Clr Kotlash) MIN24.8

That the following items from City Lifestyles Directorate and Councillor Conference Reports be resolved en block:

- CL24.16 - Membership Appointment - Arts Advisory Committee
- CL24.17 - Circularity Conference 2023

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

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

AGAINST: Nil

CARRIED

### Procedural Motion - Bring Item Forward

**RESOLVED** (Clr Copley / Clr Norris) MIN24.9

That the following items be brought forward for consideration:

- CL24.5 - Presentation of Annual Financial Statements - 30 June 2023
- CL24.10 - Post Exhibition and Finalisation – 45 Degree Rule Trial Amendment (No 54) – Shoalhaven Development Control Plan 2014
- CL24.19 - Notice of Motion - Call in DA23/1839

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

AGAINST: Nil

CARRIED

**CL24.5 Presentation of Annual Financial Statements - 30 June 2023**

**HPERM Ref:  
D23/521157**

### Recommendation

That:

1. The audited Annual Financial Statements for the year ended 30 June 2023, together with the Report on the Conduct of the Audit, be presented to the public at the Ordinary Meeting of Council on 22 January 2024.
2. Council notes the attendance of David Daniels, Delegate of the Auditor-General for New South Wales, and thank him for his presentation and professionalism in relation to the auditing of Council's Annual Financial Statements.

**RESOLVED** (Clr Christen / Clr Boyd)

MIN24.10

That:

1. The audited Annual Financial Statements for the year ended 30 June 2023, together with the Report on the Conduct of the Audit, be presented to the public at the Ordinary Meeting of Council on 22 January 2024.
2. Council notes the attendance of David Daniels, Delegate of the Auditor-General for New South Wales, and thank him for his presentation and professionalism in relation to the auditing of Council's Annual Financial Statements.

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

AGAINST: Nil

CARRIED

**CL24.10 Post Exhibition and Finalisation – 45 Degree Rule Trial Amendment (No 54) – Shoalhaven Development Control Plan 2014**

**HPERM Ref: D23/504381**

Note: A deputation was received on this item.

### Recommendation

That Council:

1. Adopt the publicly exhibited 45 Degree Rule Trial Amendment to Chapter G4: Tree and Vegetation Management of *Shoalhaven Development Control Plan 2014* (Amendment No. 54).
2. Update the online notification tool and associated documents to reflect the changes to the required arboriculture qualification upon commencement of the Amendment.
3. Advise key stakeholders, including as many as possible tree removal operators working in the Shoalhaven Local Government Area and those who made a submission, of this decision.

Clr White raised a Point of Order against Clr D'Ath. The Mayor ruled as a Point of Order. Clr D'Ath was asked to apologise to Clr White for bringing her into disrepute and to retract her statement that Clr White should feel ashamed of herself for her comments regarding this item.

Clr D'Ath apologised to Clr White.

**RESOLVED** (Clr White / Clr Eil)

MIN24.11

That Council:

1. Adopt the publicly exhibited 45 Degree Rule Trial Amendment to Chapter G4: Tree and Vegetation Management of *Shoalhaven Development Control Plan 2014* (Amendment No. 54).
2. Update the online notification tool and associated documents to reflect the changes to the required arboriculture qualification upon commencement of the Amendment.
3. Advise key stakeholders, including as many as possible tree removal operators working in the Shoalhaven Local Government Area and those who made a submission, of this decision.

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

AGAINST: Nil

CARRIED

**CL24.19 Notice of Motion - Call in DA23/1839**

**HPERM Ref:  
D24/13566**

Note: A deputation was received on this item.

Clr Eil – Less than significant non pecuniary interest declaration - Landowner known to him personally through mutual membership of the Liberal Party – remained in the room and took part in discussion and vote.

**Recommendation**

That Council call in DA23/1839 due to significant community interest.

**RESOLVED** (Clr Gray / Clr Christen)

MIN24.12

That DA23/1839 not be called in for determination by Council, and Councillors be kept informed of the determination of the application.

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

AGAINST: Nil

CARRIED

**REPORT OF THE SHOALHAVEN SPORTS BOARD - 29 NOVEMBER 2023**

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

**SB23.16 Sports Grants Program 2023 / 24 - Funding Determinations**

**HPERM Ref:  
D23/325693**

**RESOLVED\*** (Clr Wells / Clr White)

MIN24.13

That Council as recommended by the Shoalhaven Sports Board:

1. Endorse the following four applications for the 2023/24 Sports Grants Program:
  - a. Milton Ulladulla District Tennis Association – Synthetic grass resurfacing of two tennis courts - \$50,000.
  - b. Shoalhaven District Football Association – Improve pathway network – \$6,617.
  - c. Shoalhaven Hockey Incorporated – Wall rebuild – \$35,666.67.
  - d. Shoalhaven Dog Training Club – Kitchen refurbishment - \$6,906.

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

AGAINST: Nil

CARRIED

## REPORT OF THE ARTS ADVISORY COMMITTEE - 12 DECEMBER 2023

<b>AB23.38 Shoalhaven City Art Collection - Acquisition of Works</b>	<b>HPERM Ref: D23/470262</b>
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**RESOLVED\*** (Clr Wells / Clr White) MIN24.14

That Council, as recommended by the Arts Advisory Committee:

1. Accept the offer of donation for the work Untitled watercolour by Samuel Elyard. Donation by Peter Carlisle.
2. Accept the offer of donation for the work 'Jonah (and the Whale)' by John Edward. Donation by John Turner.
3. Accept the offer of a donation through the Cultural Gifts Program for the work 'Art and War' by Ahn Do. Donation by Ahn Do.

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

AGAINST: Nil

CARRIED

## REPORTS

<b>CL24.3 Financial Sustainability Improvement Initiatives Update</b>	<b>HPERM Ref: D23/507444</b>
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### Recommendation

That Council receive and note the update on financial sustainability improvement initiatives.

**RESOLVED** (Clr White / Clr Christen) MIN24.15

That Council receive and note the update on financial sustainability improvement initiatives.

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

AGAINST: Nil

CARRIED

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

<b>CL24.4 CEO Appointment - Delegations</b>	<b>HPERM Ref: D24/3769</b>
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**RESOLVED\*** (Clr Christen / Clr Gray) MIN24.16

That Council

1. Delegate to the Chief Executive Officer the authority as outlined in the Instrument of Delegation provided as Attachment 1.
2. That for the period 12 February to 30 September 2024, one of the persons (determined by the Mayor at the relevant time) holding the position of:
  - a. Director of City Services, or
  - b. Director of City Performance, or
  - c. Director of City Development, or

- d. Director of City Lifestyles, or
- e. Director of City Futures

be appointed to act as the 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.

- 3. That any person acting as the 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 Findley, Clr D'Ath, Clr Boyd, Clr Norris, Clr Kotlash, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

**CL24.5 Presentation of Annual Financial Statements - 30 June 2023**

**HPERM REF: D23/521157**

Item dealt with earlier in the meeting see MIN24.10

**CL24.6 Investment Report - November/December 2023**

**HPERM Ref: D24/6638**

**RESOLVED\*** (Clr Christen / Clr Gray)

MIN24.17

That Council:

1. Receive the Record of Investments for the period to 30 November 2023.
2. Receive the Record of Investments for the period to 31 December 2023.
3. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 4.63% per annum for the month of November 2023, outperforming the benchmark AusBond Bank Bill Index (4.34% pa) by 29 basis points (0.29%).
4. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 4.76% per annum for the month of December 2023, outperforming the benchmark AusBond Bank Bill Index (4.43% pa) by 33 basis points (0.33%).
5. Note the performance of the Long-Term Growth Fund as presented in the report.

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

AGAINST: Nil

CARRIED

**CL24.7 Ordinary Meeting - Change of Dates - May 2024**

**HPERM Ref: D24/1032**

**Recommendation**

That Council amend the scheduled May 2024 Council Meetings to reschedule Ordinary Meetings to be held on the following dates:

- Monday, 6 May 2024 commencing at 5.30pm
- Monday, 20 May 2024 commencing at 5.30pm



**RESOLVED** (Clr Norris / Clr D'Ath)

MIN24.18

That Council amend the scheduled May 2024 Council Meetings to reschedule Ordinary Meetings to be held on the following dates:

- Monday, 6 May 2024 commencing at 5.30pm
- Monday, 20 May 2024 commencing at 5.30pm

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

AGAINST: Nil

CARRIED

**CL24.8 Ongoing Register of Pecuniary Interest Returns - December 2023**

**HPERM Ref: D23/512678**

**RESOLVED\*** (Clr Christen / Clr Gray)

MIN24.19

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 December to 31 December 2023 be received for information.

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

AGAINST: Nil

CARRIED

**CL24.9 Road Naming Proposal - Unnamed Lane, Huskisson**

**HPERM Ref: D23/524841**

**Recommendation**

That Council proceed with formalising the road name of the 'unnamed lane' off Owen Street, Carpenter Lane.

**RESOLVED** (Clr Kotlash / Clr Norris)

MIN24.20

That Council proceed with formalising the road name of the 'unnamed lane' off Owen Street, Carpenter Lane after Queen Mary Carpenter, a significant Aboriginal Australian of the Jervis Bay District.

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

AGAINST: Nil

CARRIED

**CL24.10 Post Exhibition and Finalisation – 45 Degree Rule Trial Amendment (No 54) – Shoalhaven Development Control Plan 2014**

**HPERM REF: D23/504381**

Item dealt with earlier in the meeting see MIN24.11

**CL24.11 Land Sales Strategy** **HPERM Ref: D24/5321**

**RESOLVED\*** (Clr Kotlash / Clr Gray) MIN24.21

That Council proceed to investigate Categories 1, 2 & 3 operational and community classified assets with a further report to be received listing proposed properties for disposal and proposed community consultation.

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

AGAINST: Nil

CARRIED

**CL24.12 Industrial Land - Repurchase** **HPERM Ref: D23/500728**

**Note: This item has been withdrawn from the agenda.**

**CL24.13 Buy Back Property - Industrial Land South Nowra** **HPERM Ref: D24/2555**

**RESOLVED\*** (Clr Kotlash / Clr Gray) MIN24.22

That Council consider a separate confidential report in accordance with section 10A(2)(c) of the Local government Act 1993.

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

AGAINST: Nil

CARRIED

**CL24.14 Proposed Lease to F M Morison Pty Ltd - Morisons Arcade Airspace - Junction Street Nowra** **HPERM Ref: D23/472066**

**Recommendation**

That Council

1. Enters a five-year lease with an option for a further three x five year extensions, 20 years total, to F M Morison Pty Ltd for the lease of Airspace in Morisons Arcade, being Part Lot A DP 161880 at a commencement rent of \$5,400 (plus GST) per annum;
2. Authorises the Common Seal of the Council of the City of Shoalhaven to 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 Kotlash) MIN24.23

That Council

1. Enters a five-year lease with an option for a further three x five year extensions, 20 years total, to F M Morison Pty Ltd for the lease of Airspace in Morisons Arcade, being Part Lot A DP 161880 at a commencement rent of \$5,400 (plus GST) per annum;
2. Authorises the Common Seal of the Council of the City of Shoalhaven to 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 Findley, Clr D'Ath, Clr Boyd, Clr Norris, Clr Kotlash, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil  
CARRIED

**CL24.15 Exemption to Tendering - Mobile Library Van** **HPERM Ref: D24/18558**

**RESOLVED\*** (Clr Copley / Clr White) **MIN24.24**

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

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

AGAINST: Nil  
CARRIED

**CL24.16 Membership Appointment - Arts Advisory Committee** **HPERM Ref: D23/514454**

**RESOLVED\*** (Clr Copley / Clr Kotlash) **MIN24.25**

That Council:

1. Appoint Mr Frank Howarth as a member of the Arts Advisory Committee for a 2-year term, to expire 20 December 2025.
2. Note that the Expression of Interest will remain open until two remaining community positions are filled.

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

AGAINST: Nil  
CARRIED

**CL24.17 Circularity Conference 2023** **HPERM Ref: D23/521569**

**RESOLVED\*** (Clr Copley / Clr Kotlash) **MIN24.26**

That:

1. Council receive the report from Clr John Kotlash and Clr Tonia Gray on the Circularity Conference 2023 for information.
2. Council continue to support the transition to a Circular Economy in the Shoalhaven LGA by reducing landfill demand and increasing material recovery rates.
3. Future Circularity conferences should be encouraged to be attended by the sustainability experts within council.
4. In 2024 Council invite Professor Veena Sahajwalla to the SCC to present to the Councillors and Executive team, the latest advancements in waste recovery.

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

AGAINST: Nil  
CARRIED

## NOTICES OF MOTION / QUESTIONS ON NOTICE

### CL24.18 Notice of Motion - Citizenship Ceremonies on Australia Day

HPERM Ref:  
D24/10988

#### Recommendation

That Council:

1. Notes the changes made by the Federal Government to the Australian Citizenship Ceremonies Code ("the Code") removing the obligation for councils to hold a Citizenship Ceremony on Australia Day.
2. Resolves that notwithstanding the changes to the Code, it is the firm policy position of Council to continue the practice of conducting Citizenship Ceremonies in the Shoalhaven on the 26<sup>th</sup> of January (Australia Day) every year.
3. Resolves that any change to the policy position adopted at point 2 above can only be made by the elected Council.
4. Affirms its strong support for Australia Day as our national day and as an important opportunity to celebrate our great nation.
5. Expresses its appreciation to the many community organisations and volunteers who help arrange events throughout the Shoalhaven which give residents and visitors the opportunity to participate in Australia Day festivities.

**RESOLVED** (Clr Eil / Clr Copley)

MIN24.27

That Council:

1. Notes the changes made by the Federal Government to the Australian Citizenship Ceremonies Code ("the Code") removing the obligation for councils to hold a Citizenship Ceremony on Australia Day.
2. Resolves that notwithstanding the changes to the Code, it is the firm policy position of Council to continue the practice of conducting Citizenship Ceremonies within the community on Australia Day every year, at a scale and in a manner determined by the staff and the Mayor.
3. Resolves that any change to the policy position adopted at point 2 above can only be made by the elected Council.
4. Affirms its strong support for Australia Day as our national day and as an important opportunity to celebrate our great nation.
5. Expresses its appreciation to the many community organisations and volunteers who help arrange events throughout the Shoalhaven which give residents and visitors the opportunity to participate in Australia Day festivities.

FOR: Clr Boyd, Clr Norris, Clr Kotlash, Clr Copley, Clr Eil, Clr White, Clr Wells, Clr Watson and Clr Kitchener

AGAINST: Clr Findley, Clr D'Ath, Clr Christen and Clr Gray

CARRIED

### CL24.19 Notice of Motion - Call In DA23/1839

HPERM REF:  
D24/13566

Item dealt with earlier in the meeting see MIN24.12

## CONFIDENTIAL REPORTS

Pursuant to Section 10A(4) the public were invited to make representation to the meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No members of the public made representations.

**RESOLVED** (Clr Wells / Clr Kotlash)

MIN24.28

That the press and public be excluded from the Meeting, pursuant to section 10A(1)(a) of the Local Government Act, 1993, to consider the following items of a confidential nature.

CCL24.1 Buy-Back Property - Industrial Land South Nowra

*Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)*

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

CCL24.2 Exemption to Tendering - Mobile Library Van

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

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

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

AGAINST: Nil

CARRIED

The meeting moved into confidential the time being 7:06pm.

The meeting moved into open session, the time being 7:19pm.

## REPORT FROM CONFIDENTIAL SESSION

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

**CCL24.1 Buy-Back Property - Industrial Land South Nowra**

**HPERM Ref: D24/715**

**RESOLVED**

MIN24.29C

That Council

1. Requests staff to seek clarity from the Purchaser on the final design for the site, with the intention of ensuring the site plans maintain employment generating outcomes.

2. Once the above mentioned plans are received and reviewed, approves extending the buy-back Date in the sale contract on 13 Trim St, South Nowra (Lot 135 DP 1124258), until 1 March 2026. Noting the specific extenuating circumstances which have delayed the owners' ability to satisfy this requirement, and further the owners' intention to progress their development of an employment generating, concrete tilt panel industrial warehouses on the site; and
3. Note all Development Applications (DAs), and associated approvals for this site, will be the responsibility of the purchaser and assessed by Council on merit, as is the usual process. Accepting this report does not imply any consideration or support of future DA matters.

CARRIED

**CCL24.2 Exemption to Tendering - Mobile Library Van**

**HPERM Ref:  
D23/523398**

**RESOLVED**

MIN24.30C

That Council:

1. Approve an exemption from tender in accordance with Section 55(3)(i) of the Local Government Act 1993, for the provision of a Mobile Library Van, noting that a satisfactory result would not be achieved by inviting tenders due to the following reasons.
  - a. Previous Request for Quotation processes failed to identify a supplier that met the specifications requested.
  - b. Previous and other identified suppliers have confirmed they can build the required vehicle, however are unlikely to respond to open tender.
2. Authorise the CEO (Director of City Services) to negotiate and enter into a contract with any identified suitable supplier for the supply of a Mobile Library Van.

CARRIED

There being no further business, the meeting concluded, the time being 7:22pm.

Clr Findley  
CHAIRPERSON