

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 12 February 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 (Remotely)
Clr Gillian Boyd
Clr Matthew Norris
Clr John Kotlash
Clr Serena Copley
Clr Paul Ell
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.

The Mayor acknowledged Shoalhaven City Council's newly appointed CEO Robyn Stevens and extended a warm welcome on behalf of the Council.

Apologies / Leave of Absence

An apology was received from Clr Christen for this meeting.

RESOLVED (Clr Findley / Clr Kotlash) MIN24.47

That a leave of absence be granted for Clr Norris for the next Ordinary Meeting to be held, 26 February 2024.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Boyd / Clr Wells) MIN24.48

That the Minutes of the Ordinary Meeting held on Monday 29 January 2024 be confirmed, noting that the minutes have been amended to reflect that Clr Boyd voted AGAINST the LOST Motion of

Minutes Confirmed Monday 26 February 2024 – Chairperson.....

CL24.20 - Application to Lodge a Special Rate Variation.

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

AGAINST: Nil

CARRIED

Declaration of Interests

Nil

PRESENTATION OF PETITION

Presentation of Petitions – 25kph Speed Limit – Hyams Beach

Clr White presented a petition containing 411 signatures which states: We the undersigned request the introduction of a time-based speed limit of 25kph in the village of Hyams Beach NSW 2540 when the current traffic management plan instigated by the Shoalhaven City Council is operational (generally over December/January; Easter holidays and the October long weekend). This request is consistent with Austroads Guide to Traffic Management Part 5, Table 6.3. High vehicle and pedestrian activity during these periods have led to significant safety concerns for residents and visitors. Existing safety issues have not been addressed by engineering solutions.

MAYORAL MINUTE

MM24.3 Mayoral Minute - 2024 Australia Day Honours

HPERM Ref:
D24/41379

Recommendation

That Council recognise the honours bestowed upon the recipients of 2024 Australia Day Honours and writes to congratulate each winner.

RESOLVED (Clr Findley / Clr Ell)

MIN24.49

That Council recognise the honours bestowed upon the recipients of 2024 Australia Day Honours and writes to congratulate each winner.

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

AGAINST: Nil

CARRIED

MM24.4 Mayoral Minute - Cost Shifting onto Local Government

HPERM Ref:
D24/43044

Recommendation

That:

1. Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
2. A copy of the cost shifting report be placed on Council's website so that our communities can

access it; and

3. Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.

RESOLVED (Clr Findley / Clr Gray)

MIN24.50

That Council

1. Receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
2. Place a copy of the cost shifting report with a notation of the year the report was written, on Council's website so that our communities can access it; and
3. Write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.
4. Write to the Minister for Local Government (The Hon. Ron Hoenig MP), to thank him for a review of how councils are funded.
 - a. Ensure this letter also requests a review of Shoalhaven City Council's waste levy from Metro to Regional status.
5. Write to the minister for Emergency Services (The Hon. Jihad Dib) and the NSW Treasurer to ask them to consider fully funding the Reconstruction Authority to take the pressures off local councils during times of Natural Disasters, and remind them about councils ongoing concern in regards to the Red Fleet.
6. Send a copy of this motion to the Member for South Coast and Member for Kiama.

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

AGAINST: Nil

CARRIED

DEPUTATIONS AND PRESENTATIONS

Mr Peter McLean, Chair of the Audit, Risk and Improvement Committee (ARIC), provided a presentation to the meeting regarding the ARIC Annual Report 2023.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Findley / Clr Gray)

MIN24.51

That the matter of item CL24.26 Audit, Risk and Improvement Committee (ARIC) Annual Report - 2023 be brought forward for consideration.

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

AGAINST: Nil

CARRIED

CL24.26 Audit, Risk and Improvement Committee (ARIC) Annual Report - 2023

**HPERM Ref:
D24/32952**

Note: A presentation was received on this item.

Recommendation

That Council:

1. Receive and note the 2023 Audit Risk and Improvement Committee Annual Report.
2. Acknowledge the work of the ARIC for 2023 and thank the Chair of the Audit Risk and Improvement Committee, Peter McLean for presenting the report at the Council meeting.

RESOLVED (Clr Findley / Clr Gray)

MIN24.52

That Council:

1. Receive and note the 2023 Audit Risk and Improvement Committee Annual Report.
2. Acknowledge the work of the ARIC for 2023 and thank the Chair of the Audit Risk and Improvement Committee, Peter McLean for presenting the report at the Council meeting.

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

AGAINST: Nil

CARRIED

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En block

RESOLVED (Clr White / Clr Wells)

MIN24.53

That the following items from Reports be resolved en block:

- CL24.27 - Ongoing Register of Pecuniary Interest Returns - January 2024
- CL24.28 - Post Exhibition and Finalisation - Medium Density Amendment (No 51) - Shoalhaven Development Control Plan 2014
- CL24.29 - Classification of Land - Lot 126 DP 1295390 Lancaster Drive, Badagarang
- CL24.30 - Update Report - Outcome of Post Tender Negotiations - St Vincent St / South St Intersection Upgrade (Traffic Signals) and South St Shared User Path – Ulladulla
- CL24.31 - Development Application (SF11002) – Two Lot Torrens Title Subdivision - Pine Forrest Road – Lot 23 DP 1117746

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

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

AGAINST: Nil

CARRIED

REPORTS

**CL24.26 AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)
ANNUAL REPORT - 2023**

**HPERM REF:
D24/32952**

Item dealt with earlier in the meeting see MIN24.52

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

CL24.27 Ongoing Register of Pecuniary Interest Returns - January 2024 **HPERM Ref: D24/817**

RESOLVED* (Clr White / Clr Wells) MIN24.54

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

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

AGAINST: Nil

CARRIED

CL24.28 Post Exhibition and Finalisation - Medium Density Amendment (No 51) - Shoalhaven Development Control Plan 2014 **HPERM Ref: D23/454992**

RESOLVED* (Clr White / Clr Wells) MIN24.55

That Council:

1. Adopt the Medium Density Amendment (DCP2014.51) to *Shoalhaven Development Control Plan 2014* as exhibited, with the inclusion of the changes to Draft Chapter G1: Site Analysis, Site Design and Building Materials as shown in Attachment 1.
2. Notify the adoption of the Amendment in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
3. Advise key stakeholders, including Community Consultative Bodies and relevant industry representatives, of this decision and when the Amendment will be made effective.

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

AGAINST: Nil

CARRIED

CL24.29 Classification of Land - Lot 126 DP 1295390 Lancaster Drive, Badagarang **HPERM Ref: D23/519606**

RESOLVED* (Clr White / Clr Wells) MIN24.56

That Council classifies the land described as Lot 126 DP 1295390 Lancaster Drive, Badagarang, as Operational Land within the meaning of the Local Government Act 1993.

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

AGAINST: Nil

CARRIED

CL24.30 Update Report - Outcome of Post Tender Negotiations - St Vincent St / South St Intersection Upgrade (Traffic Signals) and South St Shared User Path - Ulladulla **HPERM Ref: D24/19990**

RESOLVED* (Clr White / Clr Wells) MIN24.57

That Council receives the update report on the extent of the scope and cost reduction negotiated for the St Vincent St / South St Intersection Upgrade (Traffic Signals) & South St Shared User Path, Ulladulla project as required by MIN23.379C.

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

AGAINST: Nil

CARRIED

CL24.31 Development Application (SF11002) – Two Lot Torrens Title Subdivision - Pine Forrest Road – Lot 23 DP 1117746

HPERM Ref: D23/445761

RESOLVED* (Clr White / Clr Wells)

MIN24.58

That Council confirm that it supports the variation to A15.2 of Chapter G8 On-Site Sewer Management and approve the Development Application SF11002 for two (2) lot Torrens Title subdivision at Pine Forest Road TOMERONG - Lot 23 DP 1117746 as detailed in the draft conditions of consent (Attachment 1) to this report.

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

AGAINST: Nil

CARRIED

CL24.32 Application for Community Consultative Body Council Endorsement - Culburra Beach & Orient Point Community Forum

HPERM Ref: D24/11444

Recommendation

That Council:

1. Acknowledge the contribution that the Culburra Beach Progress Association has made since being endorsed as a CCB over 25 years ago and:
 - a. Accept the Culburra Beach Progress Associations advice that they have disbanded and cease to recognise the Culburra Beach Progress Association as an endorsed Community Consultative Body for Council.
 - b. Write to the outgoing committee to thank them for their commitment and contribution to the Shoalhaven community.
2. Support in principle the application from Culburra Beach & Orient Point Community Forum to be recognised by Council as a Community Consultative Body.
3. Advertise the proposal for public comment.
4. In considering public comment,
 - a. if no significant adverse feedback is received, accept the Culburra Beach & Orient Point Community Forum as formally recognised and staff advise the community group accordingly.
 - b. if significant feedback is received, staff will submit a report to Council for final determination of the formal Community Consultative Body status.

RESOLVED (Clr Ell / Clr Kotlash)

MIN24.59

That Council:

1. Acknowledge the contribution that the Culburra Beach Progress Association has made since

being endorsed as a CCB over 25 years ago and:

- a. Accept the Culburra Beach Progress Associations advice that they have disbanded and cease to recognise the Culburra Beach Progress Association as an endorsed Community Consultative Body for Council.
 - b. Write to the outgoing committee to thank them for their commitment and contribution to the Shoalhaven community.
2. Support in principle the application from Culburra Beach & Orient Point Community Forum to be recognised by Council as a Community Consultative Body.
 3. Advertise the proposal for public comment.
 4. In considering public comment,
 - a. if no significant adverse feedback is received, accept the Culburra Beach & Orient Point Community Forum as formally recognised and staff advise the community group accordingly.
 - b. if significant feedback is received, staff will submit a report to Council for final determination of the formal Community Consultative Body status.

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

AGAINST: Nil

CARRIED

CL24.33 Towards Net-Zero Emissions - Annual Energy Review 2022-23 Report

HPERM Ref: D23/507910

Recommendation

That Council receive and note:

1. The energy and emissions reduction initiatives outlined in the Towards Net-Zero Emissions - Annual Energy Review 2022-23 Report
2. The update on Council's internal Revolving Energy Fund.

RESOLVED (Clr Wells / Clr Gray)

MIN24.60

That Council receive and note:

1. The energy and emissions reduction initiatives outlined in the Towards Net-Zero Emissions - Annual Energy Review 2022-23 Report
2. The update on Council's internal Revolving Energy Fund.

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL24.34 Notice of Motion - Support for Valparaiso and Vina del Mar - Chile

HPERM Ref: D24/45630

Recommendation

That the CEO in conjunction with Mayor Findley:

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1. Write a letter of support to the Mayors of Valparaiso and Vina del Mar regarding the recent fires they are experiencing / have experienced.
2. Share details of the Shoalhaven City Resilience into Recovery work, especially the Disaster Hubs, with the new CEO and the Local Government leaders in Chile.
3. Share our City's commiserations on their losses as we similarly did with the letter to Hawaiian Local Government leaders reflecting on the Currowan fire of 2019.

RESOLVED (Clr Kotlash / Clr Wells)

MIN24.61

That the CEO in conjunction with Mayor Findley:

1. Write a letter of support to the Mayors of Valparaiso and Vina del Mar regarding the recent fires they are experiencing / have experienced.
2. Share details of the Shoalhaven City Resilience into Recovery work, especially the Disaster Hubs, with the new CEO and the Local Government leaders in Chile.
3. Share our City's commiserations on their losses as we similarly did with the letter to Hawaiian Local Government leaders reflecting on the Currowan fire of 2019.

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

AGAINST: Nil

CARRIED

Procedural Motion - Matters of Urgency

RESOLVED (Clr Norris / Clr Wells)

MIN24.62

That an additional item appointing Clr White as the voting delegate for the SEATS (South East Australian Transport Strategy Inc) Committee for its upcoming meeting on 15-16 February be introduced as a matter of urgency.

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

AGAINST: Nil

CARRIED

THE CHAIRPERSON RULED THE MATTER AS URGENT AS COUNCILS DELEGATES FOR THE COMMITTEE, CLR NORRIS, CLR ELL AND CLR COPLEY, ARE UNABLE TO ATTEND THE UPCOMING MEETING ON 15 -16 FEBRUARY 2024.

CL24.35 Urgency Motion - Council Delegate - South East Australian Transport Strategy Inc (SEATS) Committee - Appoint Clr White

Recommended

That Council appoint Clr White as the voting delegate for the SEATS (South East Australian Transport Strategy Inc) Committee for its upcoming meeting 15-16 February in the absence of the current delegate (Norris) and the alternate delegates (Ell and Copley).

RESOLVED (Clr Norris / Clr Wells)

MIN24.63

That Council appoint Clr White as the voting delegate for the SEATS (South East Australian Transport Strategy Inc) Committee for its upcoming meeting 15-16 February in the absence of the current delegate (Norris) and the alternate delegates (Ell and Copley).

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

AGAINST: Nil
CARRIED

There being no further business, the meeting concluded, the time being 6:39pm.

Clr Findley
CHAIRPERSON