

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 25 March 2024
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.40pm

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 (Remotely)
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

RESOLVED (Clr Findley) MIN24.128

That the request from Clr Copley for a leave of absence for the Ordinary Meeting of 6 May 2024 be granted.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Kotlash / Clr Gray) MIN24.129

That the Minutes of the Ordinary Meeting held on Monday 11 March 2024 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

Minutes Confirmed Monday, 8 April 2024 – Chairperson

AGAINST: Nil
CARRIED

Declaration of Interests

Clr Norris - CL24.80 - Community Wellbeing Grant - Outcomes less than significant non pecuniary interest declaration – Known to couple of people within the organisation listed – will remain the room and will take part in discussion and vote as has not been involved with the determination of the applications.

Clr Eil - CCL24.6 - Industrial Land - to Repurchase significant pecuniary interest declaration – Employed by RMB Lawyers who are providing legal services to Council on this matter – will not remain in the room and will not take part in discussion and vote.

MAYORAL MINUTE

MM24.7	Mayoral Minute - Congratulations to the NSW South Coast Woman of the Year Award Winner - Sandra Gray	HPERM Ref: D24/98428
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RESOLVED (Clr Findley / Clr Wells) MIN24.130

That Council congratulates Sandra Gray on being awarded 2024 South Coast Woman of the Year award.

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

MM24.8	Mayoral Minute - Congratulations 2024 NSW Woman of the Year Community Hero Award Winner - Monica Mudge	HPERM Ref: D24/99250
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RESOLVED (Clr Findley / Clr Wells) MIN24.131

That Council congratulates the 2024 NSW Woman of the Year – Community Hero Award Winner Monica Mudge for her outstanding achievements in environmental advocacy and support for the Milton Ulladulla community.

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

MM24.9	Mayoral Minute - Condolence Motion - Margie Sheedy	HPERM Ref: D24/99172
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RESOLVED (Clr Findley / Clr White) MIN24.132

That Council notes the passing of Margie Sheedy and acknowledges her significant contribution to the Shoalhaven community and extend condolences to her family.

FOR: Clr Findley, Clr D'Ath, Clr Boyd, Clr Norris, Clr Kotlash, Clr Copley, Clr Christen, Clr

White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

DEPUTATIONS AND PRESENTATIONS

CL24.68 - Financial Sustainability Monthly Report

Mr Oliver Gait addressed the meeting to speak AGAINST the item.

Ms Jennifer Cork addressed the meeting to speak AGAINST the item.

CL24.85 - Question on Notice - David Berry Hospital Rainforest Remnant - Heritage & EEC Status and Link with Berry Landcare

Mr David Klaus addressed the meeting on behalf of Berry Landcare to speak to the item.

Procedural Motion – Additional Deputation

RESOLVED (Clr Eil/)

MIN24.133

That Council hear a further deputation from Ms Jemma Tribe on item CL24.68 - Financial Sustainability Monthly 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

CL24.68 - Financial Sustainability Monthly Report

Ms Jemma Tribe addressed the meeting to speak AGAINST the item.

CALL OVER OF THE BUSINESS PAPER

Procedural Motion – Defer Item

RESOLVED (Clr Findley)

MIN24.134

That Council defer item CL24.72 - Membership Appointment - Nowra CBD Revitalisation Strategy Committee to a future meeting, due to the CEO becoming aware of a number of matters which are required to be addressed prior to proceeding to appoint any new members to this Committee.

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 White / Clr Kotlash)

MIN24.135

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

- CL24.70 - Ongoing Register of Pecuniary Interest Returns - February 2024
- CL24.71 - Request for Approval - Staff Member Participation in Sponsored Specialised Risk Management Training and Related International Travel

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 Wells / Clr White) MIN24.136

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

- CL24.73 - Investment Report - February 2024

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 Wells / Clr Norris) MIN24.137

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

- CL24.75 - Post-Exhibition Outcomes/Next Steps - Proponent Initiated Planning Proposal - 88 North Bendalong Road, Bendalong
- CL24.76 - Proposed Planning Agreement - Dedication of Land to Council for Public Purposes to assist with the Delivery of the Moss Vale Road South Urban Release Area
- CL24.77 - Proposed Planning Agreement - Stage 2 Moss Vale Road South Urban Release Area (SF10804)

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 Gray / Clr Wells) MIN24.138

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

- CL24.78 - Acquisition of 'Abernethy's Creek' Drain, Bomaderry as Drainage Reserve

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 Norris / Clr Kotlash)

MIN24.139

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

- CL24.81 Membership Appointment - Youth Advisory Committee
- CL24.82 Shoalhaven District Football Association - Amenities Building – Co-Contribution Request
- CL24.83 Bob Proudfoot Pavilion Tender and Project Update

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 Items Forward

RESOLVED (Clr Findley / Clr Eil)

MIN24.140

That the matters of the following items be brought forward for consideration.

- CL24.68 - Financial Sustainability Monthly Report
- CL24.84 - Notice of Motion - RRR CellaEDs - Hand Held Defibrillators
- CL24.85 - Question on Notice - David Berry Hospital Rainforest Remnant - Heritage & EEC Status and Link with Berry Landcare

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

CL24.68 Financial Sustainability Monthly Report

**HPERM Ref:
D24/90674**

Note: Deputations were received on this item.

Recommendation

That Council endorse:

1. Placing the Bay and Basin Leisure Centre refurbishment planning and design works on pause until Council's financial position improves (unfunded \$34.2 million)

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2. Placing the Bob Proudfoot Pavilion construction on pause until Council's financial position improves (unfunded \$1.4 million)
3. Placing the Bomaderry Basketball Stadium redevelopment on pause until Council's financial position improves (unfunded \$9.6 million)
4. Placing the Sanctuary Point District Library construction on pause until Council's financial position improves (unfunded \$13.5 million)
5. Placing the Boongaree stages 5 – 7 constructions on pause until Council's financial position improves (unfunded \$5.4 million)
6. Placing the skate parks and pump tracks investigation, planning and design works (Sussex Inlet, Sanctuary Point, Bomaderry and Worrigeer) on pause until Council's financial position improves (unfunded \$1.2 – \$2 million)
7. Placing the Berry Spinners and Weavers building construction on pause until Council's financial position improves (unfunded \$3 million)
8. Placing the Berry Showground animal nursery construction on pause until Council's financial position improves (predominantly funded through general fund, and pausing project would improve general fund position)
9. Placing the Kangaroo Valley playground investigation, planning and design works on pause until Council's financial position improves (unfunded \$1.05 million)
10. The Community Donations program in the 2024/25 Financial Year to be \$0 (reducing general fund expenses)
11. The reinstatement of the outdoor dining public footpath annual fee (increasing general fund revenue)

RESOLVED (Clr White / Clr Kotlash)

MIN24.141

That Council endorse placing the Bay and Basin Leisure Centre refurbishment planning and design works (unfunded \$34.2 million) on pause until the Council's financial position improves.

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

RESOLVED (Clr White / Clr Norris)

MIN24.142

That Council endorses placing the Bob Proudfoot Pavilion construction (unfunded \$1.4 million) on pause until the Council's financial position improves.

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

RESOLVED (Clr White / Clr Gray)

MIN24.143

That Council endorses placing the Bomaderry Basketball Stadium redevelopment (unfunded \$9.6 million) on pause until the Council's financial position improves.

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

AGAINST: Clr Findley, Clr Wells and Clr Kitchener

CARRIED

RESOLVED (Clr White / Clr Kotlash) MIN24.144

That Council endorses placing the skate parks and pump tracks investigation, planning and design works (Sussex Inlet, Sanctuary Point, Bomaderry and Worrigea) on pause until Council's financial position improves (unfunded \$1.2 – \$2 million).

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

AGAINST: Clr Copley, Clr Eil, Clr Christen and Clr Wells

CARRIED

RESOLVED (Clr White / Clr Wells) MIN24.145

That Council endorses placing The Berry Spinners and Weavers construction works on hold until Berry Spinners and Weavers obtain total grant funding for the project.

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

RESOLVED (Clr Wells / Clr White) MIN24.146

That Council endorses placing the Berry Showground animal nursery construction on pause until Council's financial position improves (predominantly funded through general fund, and pausing project would improve general fund position).

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

RESOLVED (Clr White / Clr Kotlash) MIN24.147

That Council endorses placing the Kangaroo Valley playground investigation, planning and design works on pause until Council's financial position improves (unfunded \$1.05 million).

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

MOTION (Clr White)

That Council endorses the continuation of the Sanctuary Point District Library construction project subject to the following:

1. A meeting to be held with Fiona Phillips MP for Gilmore, Liza Butler MP for South Coast, Councillors and Staff and the outcomes as per recommendation.
2. A review of Design works and costs, similar to the Shellharbour Warilla Library
3. Consultation with the community following an inspection of the Shellharbour Warilla Library by community
4. A review of site options

AMENDMENT (Clr Christen / Clr Gray)

That Council review the impact of not going ahead with the scope of the Sanctuary Point District Library in line with the libraries Strategic Plan and provide a report back to Council with options.

FOR: Clr Findley, Clr D'Ath, Clr Ell, Clr Christen, Clr Watson and Clr Gray

AGAINST: Clr Boyd, Clr Norris, Clr Kotlash, Clr Copley, Clr White, Clr Wells and Clr Kitchener

LOST

RESOLVED (MOTION) (Clr White / Clr Wells)

MIN24.148

That Council endorses the continuation of the Sanctuary Point District Library construction project subject to the following:

1. A meeting to be held with Fiona Phillips MP for Gilmore, Liza Butler MP for South Coast, Councillors and Staff and the outcomes as per MIN24.44 and recommendation 7a (i).
2. A review of Design works and costs, similar to the Shellharbour Warilla Library
3. Consultation with the community following an inspection of the Shellharbour Warilla Library by community
4. A review of site options

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

AGAINST: Clr Findley, Clr Christen and Clr Gray

CARRIED

RESOLVED (Clr White / Clr Norris)

MIN24.149

That Council endorses placing the Boongaree Stages 5 – 7 constructions (unfunded \$5.4 million) on pause until the Council's financial position improves.

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

AGAINST: Clr Boyd, Clr Kotlash, Clr Copley and Clr Wells

CARRIED

RESOLVED (Clr White / Clr Wells)

MIN24.150

That the Budget for Community Donations program for 2024/25 financial year be set at \$180,000 and the Community Donations Policy be updated to reflect that fireworks applications will be ineligible for funding under the program.

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

AGAINST: Clr Findley and Clr D'Ath

CARRIED

MOTION (Clr White)

That Council defer this item and seek a briefing on the outdoor dining for the new 2024 council.

AMENDMENT (Clr Ell / Clr Copley)

That Council determines not to reinstate fees for the outdoor dining for the 2024/25 budget and defer this item to seek a briefing on this matter for the new 2024 council in the lead up for the 2025/26 budget.

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

LOST

RESOLVED (MOTION) (Clr White / Clr Wells)

MIN24.151

That Council defer consideration on the reinstatement of the outdoor dining public footpath annual fee (increasing general fund revenue) and seek a briefing on the outdoor dining for the newly elected 2024 council.

FOR: Clr D'Ath, Clr Norris, Clr Kotlash, Clr Copley, Clr Ell, Clr White, Clr Wells and Clr Watson

AGAINST: Clr Findley, Clr Boyd, Clr Christen, Clr Kitchener and Clr Gray

CARRIED

CL24.84 Notice of Motion - RRR CellAEDs - Hand Held Defibrillators

**HPERM Ref:
D24/109864**

Recommendation

That Council:

1. Investigate and consider purchasing future RRRCellAEDs by using the Community Donation QR Code.
2. Provides information to community groups & CCB's on the RRRCellAEDs.
3. Provide further reports to Council as required.

RESOLVED (Clr White / Clr Wells)

MIN24.152

That Council:

1. Investigate and consider purchasing future RRRCellAEDs by using the Community Donation QR Code.
2. Provides information to community groups & CCB's on the RRRCellAEDs.
3. Provide further reports to Council as required.

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

CL24.85 Question on Notice - David Berry Hospital Rainforest Remnant - Heritage & EEC Status and Link with Berry Landcare

**HPERM Ref:
D24/111639**

Note: A Deputation was received on this item.

AMENDMENT (Clr Gray)

Question

1. Was any communication or consultation undertaken with Berry Landcare?

2. If yes, who was approached and when did this meeting occur?
3. Who in Council authorised the clearing of this access road in remnant rainforest?
4. On what grounds was this decision made?
5. Were the local land council (Jerrinja) notified?
6. Given this is critically endangered rainforest, what steps will be done to safe guard this rainforest?

Note: The Chairperson permitted the additions of points 5 and 6 to the published Question on Notice.

CL24.69 Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023 under the Local Government Act 1993

**HPERM Ref:
D24/98773**

Recommendation

That Council:

1. Receive and note this paper, in particular the changes required in the composition of Council's ARIC to comply with the regulation.
2. Approve the following changes in the independent ARIC membership:
 - a. Endorse that the present ARIC Chair, Peter McLean's term on the ARIC will cease on 30 June 2024 to comply with the independence criteria of the Regulation should he continue to be a Councillor at Camden Council.
 - b. Reconfirm the existing term of Donna Rygate who satisfies the independence criteria. Her membership will complete on 31 December 2026.
 - c. Approve the extension of a further 4 year term of John Gordon who satisfies the independence criteria to complete on 30 April 2028. His initial 4 year term completes on 30 April 2024.
 - d. Approve staff to initiate the recruitment process for an independent ARIC member to commence 01 July 2024.
3. Appoint a non-voting Councillor member on the ARIC to commence 01 July 2024. An alternate non-voting Councillor member may be appointed.

RESOLVED (Clr Findley / Clr White)

MIN24.153

That Council:

1. Receive and note this paper, in particular the changes required in the composition of Council's ARIC to comply with the regulation.
2. Approve the following changes in the independent ARIC membership:
 - a. Endorse that the present ARIC Chair, Peter McLean's term on the ARIC will cease on 30 June 2024 to comply with the independence criteria of the Regulation should he continue to be a Councillor at Camden Council.
 - b. Reconfirm the existing term of Donna Rygate who satisfies the independence criteria. Her membership will complete on 31 December 2026.
 - c. Approve the extension of a further 4 year term of John Gordon who satisfies the independence criteria to complete on 30 April 2028. His initial 4 year term completes on 30 April 2024.
 - d. Approve staff to initiate the recruitment process for an independent ARIC member to

commence 01 July 2024.

3. Appoint Clr White as a non-voting Councillor member on the ARIC from 01 July 2024 and appoint Clr Boyd as an alternate non-voting Councillor member from 01 July 2024.
4. Write to the State Government in regards to the cost implications of the ongoing reviews and request a funding source for be provided to councils to cover these additional costs.

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'.

CL24.70 Ongoing Register of Pecuniary Interest Returns - February 2024	HPERM Ref: D24/52110
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RESOLVED* (Clr White / Clr Kotlash) MIN24.154

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 February to 29 February 2024 be received for information.

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

CL24.71 Request for Approval - Staff Member Participation in Sponsored Specialised Risk Management Training and Related International Travel	HPERM Ref: D24/81002
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RESOLVED* (Clr White / Clr Kotlash) MIN24.155

That Council authorises international travel for the Insurance & Risk Officer to attend the Loss Prevention Training course in Singapore from 15 to 19 April 2024, as provided by the Scholarship he has been awarded by AFM Global.

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

CL24.72 Membership Appointment - Nowra CBD Revitalisation Strategy Committee	HPERM Ref: D24/98250
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Note: This item was deferred due to the CEO becoming aware of a number of matters which are required to be addressed prior to proceeding to appoint any new members to this Committee.

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

CL24.73 Investment Report - February 2024	HPERM Ref: D24/98768
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RESOLVED* (Clr Wells / Clr White) MIN24.156

That Council:

1. Receive the Record of Investments for the period to 29 February 2024.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 4.94% per annum for the month of February 2024, outperforming the benchmark AusBond Bank Bill Index (4.43% pa) by 51 basis points (0.51%).
3. 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 Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL24.74 DPOP 2023-24 - Quarterly Performance and Budget Report (October - December)

**HPERM Ref:
D24/10411**

Recommendation

That Council:

1. Receive the December Quarterly Performance Report on the 2022-2026 Delivery Program and 2023-2024 Operational Plan and publish on Council's website.
2. Receive the December 2023 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the December 2023 Quarterly Budget Report Document.
4. Receive the quarterly Notices of Motion report via the Councillor Portal and rescind MIN18.992.

RESOLVED (Clr Wells / Clr Findley)

MIN24.157

That Council:

1. Receive the December Quarterly Performance Report on the 2022-2026 Delivery Program and 2023-2024 Operational Plan and publish on Council's website.
2. Receive the December 2023 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the December 2023 Quarterly Budget Report Document.
4. Receive the quarterly Notices of Motion report via the Councillor Portal and rescind MIN18.992.

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

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

CL24.75 Post-Exhibition Outcomes/Next Steps - Proponent Initiated Planning Proposal - 88 North Bendalong Road, Bendalong

**HPERM Ref:
D24/44648**

RESOLVED* (Clr Wells / Clr Norris)

MIN24.158

That Council:

1. Finalise the Planning Proposal (PP) as exhibited to create a dwelling entitlement over Lot 32 DP 1191742, at 88 North Bendalong Road, Bendalong (PP071)
2. Upon receiving confirmation that the owners have surrendered development consent DA14/2397 for '10 Holiday Cabins, 2 Accessible Accommodations, Common Facilities, and an Office', take the necessary steps to finalise the amendment to the Shoalhaven Local Environmental Plan 2014.
3. Notify stakeholders, including the Redhead Villages Association (Community Consultative Body), Manyana Matters and adjoining landowners, of this decision when the LEP has been amended.

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

CL24.76 Proposed Planning Agreement - Dedication of Land to Council for Public Purposes to assist with the Delivery of the Moss Vale Road South Urban Release Area	HPERM Ref: D24/10778
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RESOLVED* (Clr Wells / Clr Norris) MIN24.159

That Council:

1. Provide 'in-principle' support to enter into a Voluntary Planning Agreement with Cambewarra Ventures Pty Ltd, the registered owner of Lot 122 DP 3060, Lot 2 DP 1261811, and Lot 32 DP 1282389 for the:
 - a. Dedication of land identified as drainage reserve on the plan attached to this report.
 - b. Dedication of certain land adjacent to Taylors Lane as public reserve.
2. Delegate authority to Council's Chief Executive Officer, or her delegate, to:
 - a. Finalise negotiations.
 - b. Prepare the draft Voluntary Planning Agreement and an associated Explanatory Note.
 - c. Publicly notify the draft Voluntary Planning Agreement and Explanatory Note.
 - d. Enter into the Voluntary Planning Agreement consistent with the general terms outlined in this report, except where further negotiations or issues raised during public notification result in substantial changes to the Agreement. In which case Council will receive a further report outlining the changes to inform its decision to proceed with the Voluntary Planning Agreement.
3. Notify the landowner of 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

CL24.77 Proposed Planning Agreement - Stage 2 Moss Vale Road South Urban Release Area (SF10804)	HPERM Ref: D24/70893
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RESOLVED* (Clr Wells / Clr Norris) MIN24.160

That Council:

1. Provide 'in-principle' support to commence the process of entering into a Voluntary Planning Agreement (VPA) with the landowner and developer associated with subdivision application SF10804 (and associated modifications), for the following as further detailed in this report:
 - a. Dedication of three open space lots and SP2 zoned land identified in Contributions Plan projects 01OREC6015 and 01ROAD5154 to Council. Council will pay land value at a rate of \$65/m2.
 - b. Dedication of land zoned C3 Environmental Management to Council. The satisfaction of associated rehabilitation and maintenance requirements are to be specified in an approved Vegetation Management Plan.
 - c. Reimbursement for specified road infrastructure consistent with Contributions Plan project 01ROAD5154 sub-projects 2 and 3 to the value identified in the Contributions Plan.
2. Delegate authority to Council's Chief Executive Officer, or her delegate, to:
 - a. Prepare the draft VPA and associated Explanatory Note.
 - b. Publicly exhibit the draft VPA and associated Explanatory Note for a minimum of 28 days as required by legislation.
 - c. Where no feedback warranting consideration is received, enter into the VPA consistent with the general terms outlined in this report, except where issues raised as a result of public notification result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.
3. Notify the landowner/developer of this resolution.

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'.

CL24.78 Acquisition of 'Abernethy's Creek' Drain, Bomaderry as Drainage Reserve	HPERM Ref: D24/2281
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RESOLVED* (Clr Gray / Clr Wells)

MIN24.161

That Council:

1. Support in principle the acquisition of Lot 11 Sec 1 DP 3885 Bolong Road, Bomaderry known as Abernethy's Creek Drain for the purpose of securing the ongoing functionality as a Drainage Reserve now and into the future.
2. If budget for the proposed acquisition is approved through the 24/25 budget process:
 - a. Acquire by agreement Lot 11 Sec 1 DP 3885 Bolong Road, Bomaderry from Perpetual Trustee Company Limited, for the purpose of a Drainage Reserve;
 - b. Pay compensation of \$15,000 plus GST if applicable and reasonable costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991;
 - c. Delegate authority to the Chief Executive Officer to make minor adjustments to the compensation figure, if necessary, in accordance with consultation with Council's solicitor;
 - d. Classify Lot 11 Sec 1 DP 3885 as Operational land within the meaning of the Local Government Act 1993. Classification will be effected at the expiry of the 28 days public notice period, on the provision that no submissions are received, and occurring prior to three months after Council acquisition. Should a valid submission be received during the

public notice period then a separate report will be provided for consideration by Council.

- e. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise, the Chief Executive Officer is authorised to sign any documentation necessary to give effect to this resolution.

3. If budget for the proposed acquisition is approved in a future financial year's budget process receive a report including updated financial figures for consideration.

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

CL24.79 Draft Shoalhaven Libraries Strategic Plan 2024-2027

**HPERM Ref:
D24/95354**

Note: Clr D'Ath left the meeting, the time being 8.07pm.

Recommendation

That Council:

1. Receive the feedback received during the public exhibition of the draft Shoalhaven Libraries Strategic Plan 2024-2027 for information.
2. Adopt the draft Shoalhaven Libraries Strategic Plan 2024-2027.

RESOLVED (Clr Gray / Clr Wells)

MIN24.162

That Council:

1. Receive the feedback received during the public exhibition of the draft Shoalhaven Libraries Strategic Plan 2024-2027 for information.
2. Adopt the draft Shoalhaven Libraries Strategic Plan 2024-2027.

FOR: Clr Findley, 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

CL24.80 Community Wellbeing Grant - Outcomes

**HPERM Ref:
D24/94065**

Clr Norris - CL24.80 - Community Wellbeing Grant - Outcomes less than significant non pecuniary interest declaration – Known to a couple of people within the organisation listed – remained in the room and did take part in discussion and vote as he has not been involved with the determination of the applications..

Note: Clr D'Ath returned to the meeting, the time being 8.10pm.

Recommendation

That Council receive the report on the outcomes for the Community Wellbeing Grant Program 2024 for information.

RESOLVED (Clr White / Clr Wells)

MIN24.163

That Council receive the report on the outcomes for the Community Wellbeing Grant Program

2024 for information.

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'.

CL24.81 Membership Appointment - Youth Advisory Committee	HPERM Ref: D24/76184
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RESOLVED* (Clr Norris / Clr Kotlash) MIN24.164

That Council:

1. Appoint Bradley Martin as a member of the Youth Advisory Committee for a 2-year term, to expire in February 2026.
2. Note that the Expression of Interest will remain open until the final two remaining community youth representative 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

CL24.82 Shoalhaven District Football Association - Amenities Building - Co-Contribution Request	HPERM Ref: D24/60005
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RESOLVED* (Clr Norris / Clr Kotlash) MIN24.165

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

CL24.83 Bob Proudfoot Pavilion Tender and Project Update	HPERM Ref: D24/71195
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RESOLVED* (Clr Norris / Clr Kotlash) MIN24.166

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

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL24.84 NOTICE OF MOTION - RRR CELLAEDS - HAND HELD DEFIBRILLATORS

**HPERM REF:
D24/109864**

Item dealt with earlier in the meeting see MIN24.152.

CL24.85 QUESTION ON NOTICE - DAVID BERRY HOSPITAL RAINFOREST REMNANT - HERITAGE & EEC STATUS AND LINK WITH BERRY LANDCARE

**HPERM REF:
D24/111639**

Item dealt with earlier in the meeting.

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.

One member of the public made a request to make a representation, this was declined by the CEO under Section 14.12 of the Code of Meeting Practice Council has already resolved to consider a confidential report on this matter when the recommendation on the public report was resolved at the last Ordinary meeting as per MIN24.113.

RESOLVED (Clr Wells / Clr Kotlash)

MIN24.167

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.

CCL24.6 Industrial Land - to Repurchase

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.

CCL24.7 Shoalhaven District Football Association - Amenities Building - Co-Contribution Request

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.

CCL24.8 Bob Proudfoot Pavilion Tender and Project Update

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.

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 8.13pm.

The meeting moved into open session, the time being 8.20pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL24.7 Shoalhaven District Football Association - Amenities Building - Co-Contribution Request	HPERM Ref: D24/59931
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RESOLVED

MIN24.169C

That Council;

1. Rescind the resolution relating to MIN22.149C – *'Allocate limited contingency funding as referenced in the report in the 2022/2023 budget to support the SDFFA project with any funding to be made available to the SDFFA on presentation of clear evidence supporting the request'* adopted at Council Meeting held on Monday 21 February 2022.
2. Decline the request from Shoalhaven District Football Association for Council to provide a co-contribution of \$123,414 inc. GST towards the construction of a new amenities building at Ison Park, South Nowra.
3. Staff write to the Shoalhaven District Football Association informing them of Council's decision and thanking them for their efforts in updating the Ison Park facility at South Nowra.

CARRIED

CCL24.8 Bob Proudfoot Pavilion Tender and Project Update	HPERM Ref: D24/71395
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RESOLVED

MIN24.170C

That Council

1. In accordance with Section 178(1)(b) of the regulations, decline to accept any tender for the construction of Bob Proudfoot Pavilion – Francis Ryan Reserve, Sanctuary Point, as tenders were higher than the available budget. The lowest conforming tender exceeded the remaining project budget by \$1,004,119.75 for Whole of Works.
2. Direct the Chief Executive Officer (Director – City Lifestyles) to proceed with negotiations with the New South Wales Government – Stronger Country Communities Fund Round 4 to;
 - a. Re-purpose the funding of the grant deed to deliver other projects that align with the objectives of the Stronger Country Communities Fund program.
 - b. Return the whole or part funding of the grant if repurposing of the funding is not

achievable.

3. Write to New South Wales Government – Office of Sport – Level the Playing Field Program requesting to withdraw the \$2 million grant application for the Bob Proudfoot Pavilion.

CARRIED

CCL24.6 Industrial Land - to Repurchase

**HPERM Ref:
D24/56691**

RESOLVED

MIN24.168C

That Council extend the buy back terms for Tranche 1 (low risk) properties:

4. That Council writes to the landowners of Employment Land from Tranche 1 only, offering a 12 month extension to the buyback terms:
 - a. 15 Tom Thumb Ave South Nowra (Lot 93 DP1077878),
 - b. 4 Mussel Crt Huskisson (Lot 23 DP1265789),
 - c. Cnr Duranbah Drv & Mussel Crt Huskisson (Lot 24 DP1265789).
5. That Council removes the caveat on the following employment land and discontinues any repurchase:
 - a. 19 Tom Thumb Ave South Nowra (Lot 92 DP1077878)
 - b. Cnr Cumberland Ave & Trim St South Nowra (Lot 103 DP1096630)
 - c. Garadi St Yerriyong (Lot 21 DP1194689)
 - d. Bunda St Yerriyong (Lot 11 DP1094151)
 - e. Bunda St Yerriyong (Lot 12 DP1094151)
6. That Council receives a report back at the conclusion of the buy back term, detailing any future action required, if any.
7. That any future employment land is sold without any restriction as to use or compulsion to complete building works within a specified timeframe., and future employment land is sold for not less than an independent market valuation.
8. That Council's Employment Land (Industrial Land) policy be developed to reflect the abovementioned resolutions.

CARRIED

There being no further business, the meeting concluded, the time being 8.24pm.

Clr Findley
CHAIRPERSON