

## MINUTES OF THE ORDINARY MEETING

**Meeting Date:** Monday, 8 April 2024  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.31pm

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 John Wells  
Clr Greg Watson (Remotely – Left at 8.10pm during the confidential session)  
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

An apology was received from Clr White.

### Confirmation of the Minutes

**RESOLVED** (Clr Norris / Clr Kotlash) MIN24.169

That the Minutes of the Ordinary Meeting held on Monday 25 March 2024 be confirmed.

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

AGAINST: Nil

CARRIED

## Declaration of Interests

Clr Kotlash – CL24.91 – less than significant non pecuniary interest declaration – Clr Kotlash is a customer to Supagas – will remain in the room and will take part in discussion or vote.

## Introduction of Items as Matters of Urgency

**RESOLVED** (Clr Findley)

MIN24.170

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

1. MM24.12 Mayoral Minute - Council Seeking Assistance for Immediate Emergency Funding
2. CL24.95 Financial Sustainability monthly report

CARRIED

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

## Procedural Motion - Bring Item Forward

**RESOLVED** (Clr Wells / Clr Copley)

MIN24.171

That the matter of item MM24.12 - Mayoral Minute - Council Seeking Assistance for Immediate Emergency Funding be dealt with following consideration of the other Mayoral Minutes.

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

AGAINST: Nil

CARRIED

## MAYORAL MINUTE

**MM24.10 Mayoral Minute - Condolence Motion - Christine Rigg**

**HPERM Ref:  
D24/118804**

### Recommendation

That Council notes the passing of Christine Rigg and acknowledges her contribution to the Bay and Basin community and extends condolences to her family.

**RESOLVED** (Clr Findley / Clr Kotlash)

MIN24.172

That Council notes the passing of Christine Rigg and acknowledges her contribution to the Bay and Basin community and extends condolences to her family.

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

AGAINST: Nil

CARRIED

**MM24.11 Mayoral Minute - Deputy Mayor Resignation & Replacement**

**HPERM Ref:  
D24/128950**

## Recommendation

That Council:

1. Note the resignation of Councillor Evan Christen from the Deputy Mayor role and thank him for his service to The City and his assistance since September 2023.
2. Note that a replacement Deputy Mayor is able to be elected at the next Ordinary Meeting.

**RESOLVED** (Clr Findley / Clr Gray)

MIN24.173

That:

1. Council note the resignation of Councillor Evan Christen from the Deputy Mayor role and thank him for his service to The City and his assistance since September 2023.
2. Council note that a replacement Deputy Mayor is able to be elected at the next Ordinary Meeting
3. For the purposes of continuity, the senior staff contractual matters sub-committee membership will remain unchanged, regardless of the outcome of 22 April 2024.

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

AGAINST: Nil

CARRIED

### **MM24.12 Mayoral Minute - Council Seeking Assistance for Immediate Emergency Funding**

**HPERM Ref:  
D24/138145**

## Recommendation

That Council write to the NSW State Government requesting the immediate release of emergency funding to assist council to manage the aftermath of yet another natural disaster.

**RESOLVED** (Clr Findley / Clr Norris)

MIN24.174

That Council write to the NSW State Government requesting the immediate release of emergency funding to assist council to manage the aftermath of yet another natural disaster.

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

AGAINST: Nil

CARRIED

## DEPUTATIONS AND PRESENTATIONS

### **CL24.86 - Proposed Local Character Planning Proposal - Shoalhaven LEP 2014**

Ms Kylie Knight addressed the meeting to speak AGAINST the item.

### **CL24.88 - Proposed Submission to the NSW Government's Discussion Paper on Short-Term and Long-Term Rental Accommodation**

Ms Catherine Sheilds addressed the meeting to speak AGAINST the item.

### **CL24.93 - Development Application – DA23/1856 - 408 Bunkers Hill Road BARRENGARRY– Lot 144 DP 751262**

Mr Sam Quick & Ms Arwen Apps addressed the meeting to speak AGAINST the item.

## CALL OVER OF THE BUSINESS PAPER

### Call Over of Business Paper - En block

**RESOLVED** (Clr Wells / Clr Christen)

MIN24.175

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

- CL24.90 - Tender Report – RFT 72696E - Construction of Ulladulla Harbour Boardwalk (Stage 3-5) & Harbourside Carpark (Stage 6)
- CL24.91 - Proposed Disposal of Council land - Part 24 Cumberland Avenue, 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 Ell, Clr Christen, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

## REPORTS

**CL24.86 Proposed Local Character Planning Proposal - Shoalhaven LEP 2014**

**HPERM Ref: D24/112690**

Note: A Deputation was received on this item.

### Recommendation

That Council:

1. Endorse the preparation of a planning proposal relating to character, based on the scope in Table 1 of this report.
2. Submit the planning proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway determination and, if favourable:
  - a. Proceed to formal public exhibition in accordance with the terms of the determination and legislative requirements; and
  - b. Receive a further report on the following the conclusion of the public exhibition period.
3. Endorse the progression of heritage investigations for the following areas as part of stage 2 of the New Land Use Planning Scheme, subject to appropriate budget allocation:
  - a. Kangaroo Valley urban area.
  - b. Milton urban area.
  - c. The coastal areas of Currarong, Bendalong, North Bendalong, Depot Beach and North Durras.
4. Continue to advocate for the NSW Government to recommence and implement appropriate and flexible local character provisions in the Standard Instrument LEP or other mechanism that will enable local councils to better protect areas with unique character.
5. Advise key stakeholders, including relevant Community Consultative Bodies, of the resolution and public exhibition arrangements for the planning proposal.

**RESOLVED** (Clr Christen / Clr Wells)

MIN24.176

That Council:

1. Endorse the preparation of a planning proposal relating to character, based on the scope in Table 1 of this report.
2. Submit the planning proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway determination and, if favourable:
  - a. Proceed to formal public exhibition in accordance with the terms of the determination and legislative requirements; and
  - b. Receive a further report on the following the conclusion of the public exhibition period.
3. Endorse the progression of heritage investigations for the following areas as part of stage 2 of the New Land Use Planning Scheme, subject to appropriate budget allocation:
  - a. Kangaroo Valley urban area.
  - b. Milton urban area.
  - c. The coastal areas of Currarong, Bendalong, North Bendalong, Depot Beach and North Durras.
  - d. The Berry Township
4. Continue to advocate for the NSW Government to recommence and implement appropriate and flexible local character provisions in the Standard Instrument LEP or other mechanism that will enable local councils to better protect areas with unique character.
5. Advise key stakeholders, including relevant Community Consultative Bodies, of the resolution and public exhibition arrangements for the planning proposal.

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

AGAINST: Nil

CARRIED

**CL24.87 Sister City Relationship - Way Forward with the City of Fuzhou, China**

**HPERM Ref: D24/16385**

**Recommendation**

That Council

1. Maintain the status quo regarding the Sister City Relationship with Fuzhou, China, where the relationship is considered to be dormant in nature.
2. Revisit the status of all Council's Sister City Relationships at the completion of Council's Financial Sustainability Project.
3. Write a letter to Fuzhou Foreign Affairs Office of China thanking them for their correspondence and advising them of Council's current position on the relationship.

**RESOLVED** (Clr Wells / Clr Watson)

MIN24.177

That Council:

1. Revisit the status of all Council's Sister City Relationships at the completion of Fuzhou's proposed visit to the Shoalhaven in May 2024.
2. Write a letter to Fuzhou Foreign Affairs Office of China thanking them for their correspondence and advising them of Council's current position on the relationship review.

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

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

CARRIED

**CL24.88 Proposed Submission to the NSW Government's Discussion Paper on Short-Term and Long-Term Rental Accommodation**

**HPERM Ref:  
D24/107718**

Note: A Deputation was received on this item.

**Recommendation**

That Council endorse the proposed submission on the NSW Government's Discussion Paper about short-term and long-term rental accommodation and submit it to the NSW Department of Planning, Housing, and Infrastructure.

MOTION (Clr Wells / Clr Ell)

That Council

1. Endorse the proposed submission on the NSW Government's Discussion Paper about short-term and long-term rental accommodation and submit it to the NSW Department of Planning, Housing, and Infrastructure.
2. Resolves to arrange a meeting with representatives of the Australia and New Zealand Short Term Rental Association (ASTRA) following the release of the NSW Government's Discussion Paper.

**RESOLVED** (Clr Gray / Clr Ell)

MIN24.178

That Council

1. Endorse the proposed submission on the NSW Government's Discussion Paper about short-term and long-term rental accommodation and submit it to the NSW Department of Planning, Housing, and Infrastructure.
2. Receive a report to a future meeting summarising of the discussion paper, including implications for the Shoalhaven.

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

AGAINST: Nil

CARRIED

**CL24.89 Council's Land Sales Strategy - Update**

**HPERM Ref:  
D24/113589**

**Recommendation**

That Council resolves to:

1. Sell the following operational classified land for not less than the market value as determined by an independent valuer through a competitive sales process as identified within Attachment 1 – Immediate Land Sales (D24/123258):
  - a. 42 Matthews St, Shoalhaven Heads (Lot 84 DP 823256)
  - b. 5 Kean Av, Sanctuary Point (Lot 23 DP 803826)

- c. 98 Lackersteen St, Callala Bay (Lot 10 Sec 9A DP 9063)
  - d. 333 Illaroo Rd, Bangalee (Lot 13 DP 1261805)
  - e. Lot 1 George Evans Rd, Mundamia (Lot 1 DP 1226624) and rescind any former recommendations or resolutions over this property requiring any purchaser to develop the land as affordable housing.
2. Sell 10 Pleasant Way, Nowra (Lot 1 DP 1010062) for not less than the market value as determined by an independent valuer, and delegate authority to the CEO to determine sale either via direct negotiation or through a competitive sales process as appropriate, noting the property has been subject to a competitive EOI without success several times.
  3. Sell the following operational classified land for not less than the market value as determined by an independent valuer through a competitive sales process:
    - a. 1 Mattes Way, Bomaderry (Lot 31 DP 793122)
    - b. 2 Mattes Way, Bomaderry (Lot 30 DP 793122)
    - c. 3 Mattes Way, Bomaderry (Lot 29 DP 793122)
    - d. Mattes Way, Bomaderry (Lot 28 DP 793122)
    - e. Mattes Way, Bomaderry (Lot 27 DP 793122), and
    - f. Delegate authority to the Chief Executive Officer (or her delegate) to dedicate or create a road over part lots 27 and 28 in DP 793122 so as to ensure adequate vehicular access.
  4. Sell North Cr, Culburra Beach (Lot 1 DP 1287563) being operational classified land for not less than the market value as determined by an independent valuer through a competitive sales process
    - a. Delegate authority to the Chief Executive Officer (or her delegate) to create any easements or restrictions over the North Cr, Culburra Beach (Lot 1 DP 1287563) land for any services.
  5. Sell the land known as Green St Ulladulla (Lot 3 & 4 DP 851748) by direct negotiation to The Department of Education or associated entity, for a value determined by an independent valuer.
  6. Close approximately 1,655sqm, subject to final survey, of unformed road reserve known as Depot Beach Rd, Depot Beach shown in red on Attachment 2 – Depot Beach Road Closure (D24/123285) by notice published in the Government Gazette, and
    - a. Sell the closed road at Depot Beach Rd, Depot Beach for not less than the market value as determined by an independent valuer through a competitive sales process.
  7. Close approximately 2,162sqm, subject to final survey, of unformed road reserve known as Banksia Street, Vincentia, shown in red on Attachment 3 – Banksia Road Closure (D24/123291) by notice published in the Government Gazette;
    - a. Create a right of carriageway over the closed road maintaining access for the adjacent neighbours of the closed road at Banksia Street, Vincentia.
    - b. Sell the closed road at Banksia Street, Vincentia for not less than the market value as determined by an independent valuer through a competitive sales process.
  8. Commence investigation to sell land identified within Table 2 of this report with a further report brought to Council on the outcomes of this investigation.
  9. Note the strategic value of land identified in Table 3 of this report, and
    - a. Recognise these sites are not considered for sale at this time
    - b. Commence investigation into master planning or progressing strategic opportunities for these sites, in line with previous resolutions of Council, as time and budget allows

- c. Continue to report back to council the status of these projects as matters progress
- 10. Commence investigation to rezone and / or reclassify the land identified within Table 4 and 5 with a further report brought to Council on the outcomes of this investigation.
- 11. Authorise the funding of 10% of any land sales to be retained within the Property Reserve for master planning, reclassification and rezoning activities which would lead to the development and / or sale of land identified within this report.
- 12. Provide regular progress reports to Council and ensure the community is kept up to date with land sales and investigations via easy to understand website updates.

**RESOLVED** (Clr Findley / Clr Christen)

MIN24.179

That Council resolves to:

1. Sell the following operational classified land for not less than the market value as determined by an independent valuer through a competitive sales process as identified within Attachment 1 – Immediate Land Sales (D24/123258):
  - a. 42 Matthews St, Shoalhaven Heads (Lot 84 DP 823256)
  - b. 5 Kean Av, Sanctuary Point (Lot 23 DP 803826)
  - c. 98 Lackersteen St, Callala Bay (Lot 10 Sec 9A DP 9063)
  - d. 333 Illaroo Rd, Bangalee (Lot 13 DP 1261805)
  - e. Lot 1 George Evans Rd, Mundamia (Lot 1 DP 1226624) and rescind any former recommendations or resolutions over this property requiring any purchaser to develop the land as affordable housing.
2. Sell 10 Pleasant Way, Nowra (Lot 1 DP 1010062) for not less than the market value as determined by an independent valuer, and delegate authority to the CEO to determine sale either via direct negotiation or through a competitive sales process as appropriate, noting the property has been subject to a competitive EOI without success several times.
3. Sell the following operational classified land for not less than the market value as determined by an independent valuer through a competitive sales process:
  - a. 1 Mattes Way, Bomaderry (Lot 31 DP 793122)
  - b. 2 Mattes Way, Bomaderry (Lot 30 DP 793122)
  - c. 3 Mattes Way, Bomaderry (Lot 29 DP 793122)
  - d. Mattes Way, Bomaderry (Lot 28 DP 793122)
  - e. Mattes Way, Bomaderry (Lot 27 DP 793122), and
  - f. Delegate authority to the Chief Executive Officer (or her delegate) to dedicate or create a road over part lots 27 and 28 in DP 793122 so as to ensure adequate vehicular access.
4. Sell North Cr, Culburra Beach (Lot 1 DP 1287563) being operational classified land for not less than the market value as determined by an independent valuer through a competitive sales process
  - a. Delegate authority to the Chief Executive Officer (or her delegate) to create any easements or restrictions over the North Cr, Culburra Beach (Lot 1 DP 1287563) land for any services.
5. Sell the land known as Green St Ulladulla (Lot 3 & 4 DP 851748) by direct negotiation to The Department of Education or associated entity, for a value determined by an independent valuer.
6. Close approximately 1,655sqm, subject to final survey, of unformed road reserve known as Depot Beach Rd, Depot Beach shown in red on Attachment 2 – Depot Beach Road Closure



(D24/123285) by notice published in the Government Gazette, and

- a. Sell the closed road at Depot Beach Rd, Depot Beach for not less than the market value as determined by an independent valuer through a competitive sales process.
7. Close approximately 2,162sqm, subject to final survey, of unformed road reserve known as Banksia Street, Vincentia, shown in red on Attachment 3 – Banksia Road Closure (D24/123291) by notice published in the Government Gazette;
  - a. Create a right of carriageway over the closed road maintaining access for the adjacent neighbours of the closed road at Banksia Street, Vincentia.
  - b. Sell the closed road at Banksia Street, Vincentia for not less than the market value as determined by an independent valuer through a competitive sales process.
8. Commence investigation to sell land identified within **Table 2** of this report with a further report brought to Council on the outcomes of this investigation.
9. Note the strategic value of land identified in **Table 3** of this report, and
  - a. Recognise these sites are not considered for sale at this time
  - b. Commence investigation into master planning or progressing strategic opportunities for these sites, in line with previous resolutions of Council, as time and budget allows
  - c. Continue to report back to council the status of these projects as matters progress
10. Commence investigation to rezone and / or reclassify the land identified within Table 4 and 5 with a further report brought to Council on the outcomes of this investigation.
11. Authorise the funding of 10% of any land sales to be retained within the Property Reserve for master planning, reclassification and rezoning activities which would lead to the development and / or sale of land identified within this report.
12. Provide regular progress reports to Council and ensure the community is kept up to date with land sales and investigations via easy to understand website updates.

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

AGAINST: Nil

CARRIED

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

<b>CL24.90</b>	<b>Tender Report – RFT 72696E - Construction of Ulladulla Harbour Boardwalk (Stage 3-5) &amp; Harbourside Carpark (Stage 6).</b>	<b>HPERM Ref: D24/13724</b>
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**RESOLVED\*** (Clr Wells / Clr Christen) MIN24.180

That Council consider a separate confidential report 'Construction of Ulladulla Harbour Boardwalk (Stage 3 to 5) and Harbourside Carpark (Stage 6)' 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 Ell, Clr Christen, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

<b>CL24.91</b>	<b>Proposed Disposal of Council land - Part 24 Cumberland Avenue, South Nowra</b>	<b>HPERM Ref: D24/106249</b>
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Clr Kotlash – CL24.91 – less than significant non pecuniary interest declaration – Clr Kotlash is a customer to Supagas – remained in the room and did take part in discussion and vote.

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

MIN24.181

That Council:

1. Approve the sale of Part of Lot 112 DP 1096630, 24 Cumberland Avenue, South Nowra being the area highlighted red in **Attachment 1** (D24/106210) and comprising approximately 1150sqm (subject to survey), to Supagas Pty Ltd for \$220,000 excluding GST, conditional upon subdivision from Council's land and consolidation with adjoining Lot 82 DP 1077878, 6 Sextant Street, South Nowra;
2. Require Council's existing sewer infrastructure and sewer easement be retained;
3. Require Council's existing drainage infrastructure be retained within a drainage easement to be created to Council's benefit in accordance with Council's Engineering design specifications;
4. Acknowledge that all associated costs to the sale be borne by the purchaser.
5. Delegate authority to the Chief Executive Officer (or her delegate) to adjust the sale price in accordance with the area of the land determined by the registered plan in consultation with Council's solicitor;
6. Authorise the affixing of 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.

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

AGAINST: Nil

CARRIED

## CL24.92 Berthing Facility - Ulladulla Harbour

HPERM Ref:  
D24/109284

### Recommendation

That Council,

1. Suspend the Berthing Facility project at Ulladulla Harbour until appropriate funding is available.
2. Write to the Department of Regional NSW (DRNSW) thanking it for its support and advising that we are unable to deliver on the objectives of the consolidated BLERF funding deed and that termination of the deed be considered.
3. Write to the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts, thank it for its support and advising that Council are unable to deliver on the objectives of the 'Community Development Grant Program' (CDG) funding deed and that termination of the deed be considered.
4. Continue to liaise with DRNSW to re-direct the remaining funding to alternate projects within the Ulladulla Harbour precinct where possible.

MOTION (Clr Kitchener)

That Council elect to commit the shortfall of approximately \$3.8 million to deliver the project.

THE MOTION LAPSED DUE TO THE LACK OF A SECONDER.

MOTION (Clr Findley / Clr Gray)

That Council,

1. Suspend the Berthing Facility project at Ulladulla Harbour until appropriate funding is available.
2. Write to the Department of Regional NSW (DRNSW) thanking it for its support and advising that we are unable to deliver on the objectives of the consolidated BLERF funding deed and that termination of the deed be considered.
3. Write to the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts, thank it for its support and advising that Council are unable to deliver on the objectives of the 'Community Development Grant Program' (CDG) funding deed and that termination of the deed be considered.
4. Continue to liaise with DRNSW to re-direct the remaining funding to alternate projects within the Ulladulla Harbour precinct where possible.
5. Thank the staff who have worked on this project to get an appropriate outcome over a sustained period of time.

PROCEDURAL MOTION – (Clr Wells)

That the motion be put.

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

AGAINST: Nil

CARRIED

**RESOLVED** (Clr Findley / Clr Gray)

MIN24.182

That Council,

1. Suspend the Berthing Facility project at Ulladulla Harbour until appropriate funding is available.
2. Write to the Department of Regional NSW (DRNSW) thanking it for its support and advising that we are unable to deliver on the objectives of the consolidated BLERF funding deed and that termination of the deed be considered.
3. Write to the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts, thank it for its support and advising that Council are unable to deliver on the objectives of the 'Community Development Grant Program' (CDG) funding deed and that termination of the deed be considered.
4. Continue to liaise with DRNSW to re-direct the remaining funding to alternate projects within the Ulladulla Harbour precinct where possible.
5. Thank the staff who have worked on this project to get an appropriate outcome over a sustained period of time.

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

AGAINST: Clr Kitchener

CARRIED

**CL24.93 Development Application – DA23/1856 - 408 Bunkers Hill  
Road BARRENGARRY– Lot 144 DP 751262**

**HPERM Ref:  
D24/86217**

Note: A Deputation was received on this item.

Minutes Confirmed Monday 22 April 2024 – Chairperson .....

**Recommendation**

That Council approve the Development Application DA23/1856 for consolidation of lots, alterations and additions to existing building and use as a dwelling house at 408 Bunkers Hill Road BARRENGARRY – Lot 144 DP 751262, Lot 145 DP 751262 & Lot 1 DP1263250 as detailed in the draft conditions of consent (Attachment 1) to this report.

MOTION (Clr Gray)

Consideration of DA23/1856 is deferred until Council obtains a review by an appropriately experienced Counsel. Counsel is instructed to review Council's assessment report and recommendations as well as the advice provided by Justin Doyle to residents.

THE MOTION LAPSED DUE TO LACK OF SECONDER.

**RESOLVED** (Clr Ell / Clr Gray)

MIN24.183

That Council

1. Defer the consideration of DA23/1856 to the Ordinary Meeting of 22 April 2024.
2. Council direct the CEO (Director City Development) to seek a legal review of advice provided to Council with respect to the property at 408 Bunkers Rd, Barrengarry as soon as practicable and distributed to Council in advance of the Ordinary Meeting, 22 April 2024.

FOR: Clr Findley, Clr D'Ath, Clr Norris, Clr Kotlash, Clr Copley, Clr Ell and Clr Gray

AGAINST: Clr Boyd, Clr Christen, Clr Wells, Clr Watson and Clr Kitchener

CARRIED

**NOTICES OF MOTION / QUESTIONS ON NOTICE**

**CL24.94 Notice of Motion - Request to Investigate an Audit of the City's Kerbside Wheely Bins**

**HPERM Ref: D24/128912**

**Recommendation**

That Council:

1. Direct staff, through the CEO to consider what would be associated with undertaking an audit of kerbside wheely bins in the City, to understand bin use and cross-contamination levels. To collect relevant information and data on the waste management needs of our community.
2. Receive a report from staff on the outcomes of that consideration, including the cost, a funding mechanism, and a timeframe for completion of an audit.
3. Subject to a resolution of the Council, as a result, undertake an audit of kerbside wheely bins in the City.

**RESOLVED** (Clr Copley / Clr Norris)

MIN24.184

That Council:

1. Direct staff, through the CEO to consider what would be associated with undertaking an audit of kerbside wheely bins in the City, to understand bin use and cross-contamination levels. To collect relevant information and data on the waste management needs of our community.
2. Receive a report from staff on the outcomes of that consideration, including the cost, a funding mechanism, and a timeframe for completion of an audit.
3. Subject to a resolution of the Council, as a result, undertake an audit of kerbside wheely bins

in the City.

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

AGAINST: Nil

CARRIED

## ADDENDUM REPORTS

**MM24.12 MAYORAL MINUTE - COUNCIL SEEKING ASSISTANCE FOR IMMEDIATE EMERGENCY FUNDING**

**HPERM REF:  
D24/138145**

Item dealt with earlier in the meeting see MIN24.174.

**CL24.95 FINANCIAL SUSTAINABILITY MONTHLY REPORT**

**HPERM REF:  
D24/122268**

Item dealt with later in the meeting see MIN24.187.

## 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)

MIN24.185

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.

CCL24.9 Confidential Tender Report – RFT 72696E - Construction of Ulladulla Harbour Boardwalk (Stage 3-5) and Harbourside Carpark (Stage 6).

*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 Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

The meeting moved into confidential the time being 8.06pm.

The meeting moved into open session, the time being 8.14pm.

## REPORT FROM CONFIDENTIAL SESSION

The following resolution of the meeting, whilst closed to the public, was made public.

<b>CCL24.9 Confidential Tender Report – RFT 72696E - Construction of Ulladulla Harbour Boardwalk (Stage 3-5) and Harbourside Carpark (Stage 6).</b>	<b>HPERM Ref: D24/13728</b>
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**RESOLVED** MIN24.186C

That Council

1. Decline to accept any of the tender submissions and pause the proposal for the contract in accordance with Clause 178(3)(a).
2. Writes to Transport for NSW (TfNSW) and Crown Lands recommending that a master planning process be undertaken for the Ulladulla Harbour precinct, that includes provision for the boardwalk stages 3 to 5, Ulladulla Game Fishing Club facilities, and car park upgrades.
3. Writes to NSW Government, Planning Industry and Environment, Public Spaces Legacy Program (PSLP) requesting to withdraw from the project in accordance with clause 9.2 of the deed and the unexpended funds to be returned.
4. Writes to the Commonwealth, Department of Industry, Science and Resources, Building Better Regions Fund (BBRF) requesting that the project be cancelled in accordance with clause 20 of the deed.

CARRIED

<b>CL24.95 Financial Sustainability monthly report</b>	<b>HPERM Ref: D24/122268</b>
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### Recommendation

That Council

1. Endorse placing the Ulladulla skate park construction on pause until Council's financial position improves (unfunded \$1.8 million)
2. Endorse placing the Bay and Basin skate park construction on pause until Council's financial position improves (unfunded \$885,000)
3. Receive a separate report on the Ulladulla Harbour berthing facility and Ulladulla Harbour boardwalk and carpark projects to support financial sustainability measures.
4. Receive a separate report on the Land Sales Strategy to support financial sustainability measures.

PROCEDURAL MOTION – (Clr Wells)

That the motion be put.

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

AGAINST: Nil

CARRIED

**RESOLVED** (Clr Wells / Clr Norris)

MIN24.187

That Council

1. Endorse placing the Ulladulla skate park construction on pause until Council's financial position improves (unfunded \$1.8 million)
2. Endorse placing the Bay and Basin skate park construction on pause until Council's financial position improves (unfunded \$885,000)
3. Receive a separate report on the Ulladulla Harbour berthing facility and Ulladulla Harbour boardwalk and carpark projects to support financial sustainability measures.
4. Receive a separate report on the Land Sales Strategy to support financial sustainability measures.

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

AGAINST: Clr Eil

CARRIED

There being no further business, the meeting concluded, the time being 8.17pm.

Clr Findley  
CHAIRPERSON