

## MINUTES OF THE ORDINARY MEETING

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

The following members were present:

Clr Amanda Findley - Chairperson  
Clr Moo D'Ath  
Clr Gillian Boyd  
Clr Matthew Norris  
Clr John Kotlash  
Clr Serena Copley  
Clr Paul Ell  
Clr Evan Christen  
Clr Patricia White  
Clr John Wells  
Clr Greg Watson (remotely – left 8.43pm)  
Clr Mark Kitchener  
Clr Tonia Gray

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

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

### Apologies / Leave of Absence

Nil

### Confirmation of the Minutes

**RESOLVED** (Clr Norris / Clr Christen) MIN24.188

That the Minutes of the Ordinary Meeting held on Monday 08 April 2024 be confirmed.

CARRIED

## Declaration of Interests

Clr Copley – Less than significant non pecuniary interest declaration – Items CL24.102 and CCL24.10 Tenders - Provision of Trainees and Apprentices – she has previously engaged with one of the tendering companies over the years within her own business - will remain the room and will take part in discussion or vote.

## MAYORAL MINUTE

### MM24.13 Mayoral Minute - Condolence Motion - Shirley Laird

HPERM Ref:  
D24/145138

#### Recommendation

That Council notes the passing of Shirley Laird and acknowledges her significant contribution to the Shoalhaven community and extends condolences to her family.

**RESOLVED** (Clr Findley / Clr White)

MIN24.189

That Council notes the passing of Shirley Laird and acknowledges her significant contribution to the Shoalhaven community and extends condolences to her family.

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

### MM24.14 Mayoral Minute - Condolence Motion - Bruce Bishop

HPERM Ref:  
D24/149684

#### Recommendation

That Council notes the passing of Bruce Bishop and acknowledges his several contributions to the city of Shoalhaven and extends its condolences to his family.

**RESOLVED** (Clr Findley / Clr Wells)

MIN24.190

That Council notes the passing of Bruce Bishop and acknowledges his several contributions to the city of Shoalhaven and extends its condolences to his family.

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

## DEPUTATIONS AND PRESENTATIONS

### CL24.107 Adoption of Revised Sea Level Rise Projections

A presentation was provided by Christopher Beadle from Water Technology in relation to Sea Level Rise Projections

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

Mr Joe Scarf provided a written deputation which was distributed to all Councillors FOR the item.

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

Minutes Confirmed Monday 6 May 2024 – Chairperson.....

### **CL24.98 - Councillor Expenses and Facilities Policy for Public Exhibition**

Ms Suzanne Hammond-Warne addressed the meeting to speak AGAINST the item.

### **CL24.110 - Community Consultative Body - Culburra Beach & Orient Point**

#### **Community Forum - Outcome of Public Exhibition**

Ms Claire Haywood & Mr Kym Heffernan (Culburra Beach & Orient Point Community Forum) addressed the meeting to speak AGAINST the item.

## **CALL OVER OF THE BUSINESS PAPER**

### **Call Over of Business Paper - En block – Report of Shoalhaven Heads Estuary Taskforce**

**RESOLVED** (Clr Wells / Clr Copley) MIN24.191

That the following items from the Report of Shoalhaven Heads Estuary Taskforce be resolved en block:

- SH24.3 Coastal Protection Works - Tidal Flats in Front of Holiday Haven Caravan Park, Shoalhaven
- SH24.4 Request - Extend Mangrove Seedlings Removal West of the Wharf in Front of River Rd to the Storm Water Drain Heads

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 – City Performance**

**RESOLVED** (Clr Christen / Clr White) MIN24.192

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

- CL24.97 Ongoing Register of Pecuniary Interest Returns - March 2024
- CL24.101 Investment Report - March 2024
- CL24.102 Tenders - Provision of Trainees and Apprentices

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 – City Services**

**RESOLVED** (Clr Kotlash / Clr Gray) MIN24.193

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

- CL24.103 Land Acquisition - Part Lot 1 DP 560540 Koloona Drive, Bangalee for the Purpose of Road Widening
- CL24.106 Tenders - Construction of Lake Conjola RFS Station Extension

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 – City Development

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

MIN24.194

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

- CL24.108 Report on Conference Attendance - Joint National Coast to Coast & NSW Coastal Conference 2023 (MIN23.744)

Note – the item 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 – City Lifestyles

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

MIN24.195

That the following item from City Lifestyles be resolved en block:

- CL24.109 Membership Appointment - Homelessness Advisory Committee

Note – the item 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 – Shoalhaven Water

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

MIN24.196

That the following item be resolved en block:

- CL24.111 Tenders - Sampling and Laboratory Testing

Note – the item 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 – Councillor Conference Reports

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

MIN24.197

That the following items be resolved en block:

- CL24.112 NSW ALGWA Conference 2024
- CL24.113 Asia Pacific Cities Summit and Mayors Forum - Brisbane 2023

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

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

AGAINST: Nil

CARRIED

### Introduction of Items as Matters of Urgency

**RESOLVED** (Clr White / Clr Gray)

MIN24.198

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

1. CL24.115 ALGA Annual Conference 2024 - National General Assembly - Motions
2. CL24.93 Development Application – DA23/1856 - 408 Bunkers Hill Road BARRENGARRY– Lot 144 DP 751262

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

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

## REPORT OF THE SHOALHAVEN HEADS ESTUARY TASKFORCE - 20 MARCH 2024

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

**SH24.3 Coastal Protection Works - Tidal Flats in Front of Holiday Haven Caravan Park, Shoalhaven Heads**

**HPERM Ref: D24/90104**

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

MIN24.199

That as recommended by the Shoalhaven Heads Estuary Taskforce:

1. Council effect works from the maintenance of the dry notch at Shoalhaven Heads river entrance to relocate clean sand to the river front tidal area adjacent to Holiday Haven Caravan Park and the public playground and picnic area.
2. This action be included for progression in the Lower Shoalhaven River Coastal Management Plan (CMP) for an action on an annual basis.
3. The Director City Development to assess whether sand arising from notch maintenance can be reallocated to the foreshore in front of Holiday Haven under current permits.

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

**SH24.4 Request - Extend Mangrove Seedlings Removal West of the Wharf in Front of River Rd to the Storm Water Drain** **HPERM Ref: D24/90841**

**RESOLVED\*** (Clr Wells / Clr Copley) MIN24.200

That Council as recommended by the Shoalhaven Heads Estuary Taskforce, request staff to contact Fisheries NSW to note the prolific expansion of mangrove seedlings this year, and receive advice on what can be done in the interim under the current permit held by Council.

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

## REPORTS

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

**CL24.97 Ongoing Register of Pecuniary Interest Returns - March 2024** **HPERM Ref: D24/90804**

**RESOLVED\*** (Clr Christen / Clr White) MIN24.201

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

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

AGAINST: Nil

CARRIED

**CL24.98 Councillor Expenses and Facilities Policy for Public Exhibition** **HPERM Ref: D24/113349**

Note: A deputation was received on this item.

### Recommendation

That Council:

1. In accordance with Section 253 of the Local Government Act 1993, publicly exhibit the attached draft Councillor Expenses and Facilities Policy (Formerly known as "Council Members – Payment of Expenses and Provision of Facilities Policy").
2. A report be provided to Council on any submissions received. Should no adverse submissions be received the amended Policy be adopted at the close of the submission period.

**RESOLVED** (Clr White / Clr Wells) MIN24.202

That Council re-endorse the existing Council Members – Payment of Expenses and Provision of Facilities Policy in its current format without amendment.

FOR: Clr Kotlash, Clr Copley, Clr Ell, Clr White, Clr Wells, Clr Watson and Clr Kitchener

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

CARRIED

**CL24.99 Outstanding Councillor Conference Reports**

**HPERM Ref:  
D24/115626**

**Recommendation**

That Council receive the report listing outstanding councillor attendance reports since July 2022 for information and note that in accordance with MIN23.688 reports will be provided to Ordinary Meetings on a six monthly basis to ensure requirements for reporting are met.

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

MIN24.203

That Council receive the report listing outstanding councillor attendance reports since July 2022 for information and note that in accordance with MIN23.688 reports will be provided to Ordinary Meetings on a six monthly basis to ensure requirements for reporting are met.

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

**CL24.100 Election of Deputy Mayor**

**HPERM Ref:  
D24/129706**

**Recommendation**

That Council:

1. Elect a Deputy Mayor for a period of office of until 13 September 2024.
2. Conduct an election (by show of hands) for Deputy Mayor for the resolved period.

**RESOLVED** (Clr Kotlash / Clr Boyd)

MIN24.204

That Council:

1. Elect a Deputy Mayor for a period of office of until 13 September 2024.
2. Conduct an election (by show of hands) for Deputy Mayor for the resolved period.

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

Ms Kerrie Hamilton – Director City Performance, as the Returning Officer informed the meeting that two (2) nominations had been received for the position of Deputy Mayor, the nominations being for Clr Norris and Clr White.

No further nominations were received.

Ms Hamilton called for a show of hands for all candidates. Voting for candidates was as follows:

Clr Matthew Norris - 7 Votes For

Clr Patricia White - 6 Votes For

**Ms Hamilton declared Clr Matthew Norris as Deputy Mayor for the period to 13 September 2024.**



**CL24.101 Investment Report - March 2024**

**HPERM Ref:  
D24/135972**

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

MIN24.205

That Council:

1. Receive the Record of Investments for the period to 31 March 2024.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 5.08% per annum for the month of March 2024, outperforming the benchmark AusBond Bank Bill Index (4.41% pa) by 67 basis points (0.67%).
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 Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

**CL24.102 Tenders - Provision of Trainees and Apprentices**

**HPERM Ref:  
D24/112397**

Clr Copley – Less than Significant Non Pecuniary Interest declaration – she has previously engaged with one of the tendering companies over the years within her own business - remained the room and took part in discussion and vote.

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

MIN24.206

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

**CL24.103 Land Acquisition - Part Lot 1 DP 560540 Koloona Drive, Bangalee for the Purpose of Road Widening**

**HPERM Ref:  
D24/103339**

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

MIN24.207

That Council:

1. Acquire 57m<sup>2</sup> of Lot 1 DP 560540, known as 246 Koloona Drive, Bangalee for the purpose of road widening and as indicated in Attachment 1
  - a. Pay compensation of \$9000.00 (plus GST if applicable)
  - b. Pay an additional contribution of \$1,875.00 toward fencing
  - c. Pay the landowner's reasonable legal, valuation and other costs associated with the acquisition.
2. Delegate authority to the Chief Executive Officer to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined by Council's solicitor.
3. Delegate authority to the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.



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

**CL24.104 Licence to Target Australia Pty Ltd - Part Lot 1 DP  
792523, 6 Boree Street, Ulladulla**

**HPERM Ref:  
D24/52088**

**Recommendation**

That Council:

1. Enter into a five-year licence with a five year option with Target Australia Pty Ltd over Council operational land being Part Lot 1 DP 792523 6 Boree Street, Ulladulla, at a licence fee of \$1275.00 plus GST per annum, if applicable.
2. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

**RESOLVED** (Clr White / Clr Kotlash)

MIN24.208

That Council:

1. Enter into a five-year licence with a five year option with Target Australia Pty Ltd over Council operational land being Part Lot 1 DP 792523 6 Boree Street, Ulladulla, at a licence fee of \$1275.00 plus GST per annum, if applicable.
2. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

**CL24.105 Finance Lease Agreement for Road Repair Plant - JCB  
Pothole Pro**

**HPERM Ref:  
D23/482296**

**Recommendation**

That Council:

1. Enter into an Finance lease agreement with SG Fleet Australia Pty Ltd for \$408,975 (GST exc.) to be repaid over 30 months with a final payment of \$136,363 (GST exc.).
2. Delegate authority to the Chief Executive Officer to execute the finance lease agreement.

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

MIN24.209

That Council:

1. Enter into an Finance lease agreement with SG Fleet Australia Pty Ltd for \$408,975 (GST exc.) to be repaid over 30 months with a final payment of \$136,363 (GST exc.).
2. Delegate authority to the Chief Executive Officer to execute the finance lease agreement.

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

**CL24.106 Tenders - Construction of Lake Conjola RFS Station Extension**

**HPERM Ref:  
D24/110533**

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

MIN24.210

That Council consider a separate confidential report 'Construction of Lake Conjola RFS Station Extension' 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

**CL24.107 Adoption of Revised Sea Level Rise Projections**

**HPERM Ref:  
D24/44758**

Note: A presentation was received on this item.

**Recommendation**

That Council adopt the revised Sea Level Rise (SLR) projections to allow consistency with contemporary scientific data as represented by local tidal gauge data and prognostications compatible with the Intergovernmental Panel on Climate Change (IPCC). The SLR projections are as follows:

1. 0.10 metres by 2030
2. 0.23 metres by 2050
3. 0.85 metres by 2100

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

MIN24.211

That Council

1. Adopt the revised Sea Level Rise (SLR) projections to allow consistency with contemporary scientific data as represented by local tidal gauge data and prognostications compatible with the Intergovernmental Panel on Climate Change (IPCC). The SLR projections are as follows:
  - a. 0.10 metres by 2030
  - b. 0.23 metres by 2050
  - c. 0.85 metres by 2100
2. Review the projection based on real data every 7 years, with tidal gauges at HMAS Creswell and Ulladulla (or relevant tidal gauges) and include regional and global Sea Level Rise Projections being included in the calculations along with other NSW gauges, modelled or corrected altimeter data be excluded unless new satellites overcome the present measurement error.
3. Continue to monitor State and Federal Government advice including Stage 2 Coastal Reform and future Intergovernmental Panel on Climate Change (IPCC) reports and review its sea level rise projections in accordance with Part B.

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

**CL24.108 Report on Conference Attendance - Joint National Coast to Coast & NSW Coastal Conference 2023 (MIN23.744)** **HPERM Ref: D24/128206**

**RESOLVED\*** (Clr Findley / Clr Kotlash) MIN24.212

That Council receive this report for information and that login details are provided to all Councillors to access the conference presentations.

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

**CL24.109 Membership Appointment - Homelessness Advisory Committee** **HPERM Ref: D24/108665**

**RESOLVED\*** (Clr Wells / Clr White) MIN24.213

That Council:

1. Appoint Ms Amanda Smith to the Homelessness Advisory Committee as a community member with an interest in homelessness for a 4-year term, to expire March 2028.
2. Note that the Expression of Interest will remain open until two remaining vacant positions are filled.

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

**CL24.110 Community Consultative Body - Culburra Beach & Orient Point Community Forum - Outcome of Public Exhibition** **HPERM Ref: D24/124251**

Note: A deputation was received on this item.

**Recommendation**

That Council

1. Notes the summary of feedback received from the public exhibition of the application for Culburra Beach & Orient Point Community Forum to become the endorsed Community Consultative Body.
2. Not endorse Culburra Beach & Orient Point Community Forum at this time and request that they consider and address the feedback received during the public exhibition.

**RESOLVED** (Clr Christen / Clr Gray) MIN24.214

That Council

1. Endorses the application for Culburra Beach & Orient Point Community Forum to become the endorsed Community Consultative Body
2. Staff assist the current committee with community communication and establishment of the CCB to ensure that the community is fully informed and confident in the processes
3. Request the CEO provide a further report back to Council once the discussions have occurred considering the feedback from Council staff

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

**CL24.111 Tenders - Sampling and Laboratory Testing**

**HPERM Ref:  
D24/124264**

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

MIN24.215

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

**CL24.112 NSW ALGWA Conference 2024**

**HPERM Ref:  
D24/142217**

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

MIN24.216

That Council receive the report from Clr Tonia Gray on the NSW ALGWA Conference 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

**CL24.113 Asia Pacific Cities Summit and Mayors Forum - Brisbane  
2023**

**HPERM Ref:  
D24/151323**

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

MIN24.217

That Council receive the report from Clr Amanda Findley on the Asia Pacific Cities Summit and Mayors Forum 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

**NOTICES OF MOTION / QUESTIONS ON NOTICE**

**CL24.114 Notice of Motion - Maintenance of Open Stormwater  
Drains**

**HPERM Ref:  
D24/149053**

**Recommendation**

That Council

1. Acknowledges the significant community concern about the condition of Council's open stormwater drainage infrastructure in Culburra Beach and surrounding areas due to frequent flooding events.

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2. Notes that a number of open stormwater drains have significant levels of vegetation growing within them.
3. Directs the CEO (City Services) to ensure that wherever technically possible, maintenance works are prioritised for the drains located along Prince Edward Drive and the Triangle and wherever else required in Culburra Beach
4. Directs the CEO (City Services) to provide a timely report to councillors addressing the following matters:
  - a. The outcome of the asset maintenance inspections of drainage infrastructure funded under the 2023/24 budget.
  - b. Summary of the Council's 'Green and Golden Bell Frog Policy' what implications this has on the timing of asset maintenance of open stormwater drains.
  - c. How state environmental statutory requirements dictate how Council undertakes asset maintenance of open stormwater drains.

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

MIN24.218

That Council

1. Acknowledges the significant community concern about the condition of Council's open stormwater drainage infrastructure in Culburra Beach and surrounding areas due to frequent flooding events.
2. Notes that a number of open stormwater drains have significant levels of vegetation growing within them.
3. Directs the CEO (City Services) to ensure that wherever technically possible, maintenance works are prioritised for the drains located along Prince Edward Avenue and the Triangle and wherever else required in Culburra Beach, Orient Point and surrounds
4. Directs the CEO (City Services) to provide a timely report to councillors addressing the following matters:
  - a. The outcome of the asset maintenance inspections of drainage infrastructure funded under the 2023/24 budget.
  - b. Summary of the NSW State Government Management Plan - The Green and Golden Bell Frog Key Population within the Crookhaven River Floodplain (DECC 2007) and what implications this has on the timing of asset maintenance of open stormwater drains.
  - c. How state environmental statutory requirements dictate how Council undertakes asset maintenance of open stormwater drains.

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

## ADDENDUM REPORTS

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

**HPERM REF:  
D24/86217**

Item dealt with later in the meeting see MIN24.220

**CL24.115 ALGA Annual Conference 2024 - National General  
Assembly - Motions**

**HPERM REF:  
D24/147443**

Item dealt with later in the meeting see from MIN24.224 to MIN24.227.

## 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)

MIN24.219

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.

CCL24.10 Tenders - Provision of Trainees and Apprentices

*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 prejudice the supply to an agency of confidential information that facilitates the effective exercise of that agency's functions and/or found an action against an agency for breach of confidence or otherwise result in the disclosure of information provide.*

CCL24.11 Tenders - Construction of Lake Conjola RFS Station Extension

*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.*

CCL24.12 Tenders - Sampling and Laboratory Testing

*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.*

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

A discussion was held in relation to the legal advice for CL24.93 which is subject to 10A2 (g) - *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

CARRIED

The meeting moved into confidential the time being 8.00pm.

The meeting moved into open session, the time being 8.29pm.

Minutes Confirmed Monday 6 May 2024 – Chairperson.....

Note: It was clarified no decision was made in relation to CL24.93 Development Application – DA23/1856 - 408 Bunkers Hill Road BARRENGARRY - Lot 144 DP 751262, the legal advice was discussed in confidential session and the Council continued their debate and determination in open session.

**CL24.93 Development Application – DA23/1856 - 408 Bunkers Hill Road BARRENGARRY– Lot 144 DP 751262** **HPERM Ref: D24/86217**

**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.

**RESOLVED** (Clr Wells / Clr Kitchener) MIN24.220

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.

FOR: Clr Findley, Clr Boyd, Clr Kotlash, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson and Clr Kitchener

AGAINST: Clr D'Ath, Clr Norris, Clr Copley and Clr Gray

CARRIED

Note: Clr Watson left the meeting, the time being 8.43pm

**REPORT FROM CONFIDENTIAL SESSION**

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

**CCL24.10 Tenders - Provision of Trainees and Apprentices** **HPERM Ref: D24/112976**

**RESOLVED** MIN24.221C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Hunter Valley Training Company for the Provision of Trainees and Apprentices based on the schedule of rates in Attachment A of this report.
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)* by the CEO (Director - City Performance).

CARRIED



**CCL24.11 Tenders - Construction of Lake Conjola RFS Station Extension**

**HPERM Ref: D24/96835**

**RESOLVED**

MIN24.222C

That

1. In accordance with Section 178(1)(b) of the regulations decline to accept any Tender for Lake Conjola RFS Station Extension as the funding was insufficient at the time of tender to complete the project as designed.
2. Council endorse the increase in Project Budget in alignment with the grant variation agreement for an amount of \$843,618.60 (ex GST) to a new overall project budget of \$1,560,921.60 (ex GST).
3. In accordance with Clause 178(3)(e) enter into negotiations with the nominated tenderer as per the Tender Evaluation Report, or any other contractor as needed/appropriate, for the following reasons:
  - a. Council does not expect to receive fresh / additional suppliers if retendered based on other recent tender processes.
  - b. The pricing submitted by the original tenderers has been evaluated as highly competitive.
  - c. The nominated tenderers amount offered is within the available revised grant funding amount.
  - d. The nominated tenderer demonstrated to have extensive past experience and performance in undertaken works similar in scope to the proposed.
4. Delegate the authority to the CEO to execute all documents on Council's behalf in relation to any contract formed as a result of the above to enable the work to commence.
5. The contract documents and any other associated documents be executed on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)* by the CEO (Director "City Services").

CARRIED

**CCL24.12 Tenders - Sampling and Laboratory Testing**

**HPERM Ref: D24/134346**

**RESOLVED**

MIN24.223C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Australian Laboratory Services Pty Ltd for Sampling and Laboratory Testing for a total cost of \$1,842,854.40 (excluding GST).  
  
The calculated total cost of the recommended tender is an estimate based on their submitted schedule of rates and historical testing schedules. It should be noted that testing schedules may vary in accordance with legislated requirements, reactive sampling and testing due to weather events and the resulting conditions, this will directly affect the overall value.
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)* by the CEO (Executive Manager, Shoalhaven Water).

CARRIED

**CL24.115 ALGA Annual Conference 2024 - National General Assembly - Motions**

**HPERM Ref:  
D24/147443**

**Recommendation**

That regarding the Australian Local Government Association (ALGA) 2024 National General Assembly, Council:

1. Adopt the proposed Motions in the report for submission prior to the deadline being Tuesday 30 April 2024.
2. Determine any additional motions for submission at this meeting.
3. Nominate a **Councillor** as the Council's Voting Delegate for the conference.
4. Nominate a **Councillor** as the Council's Alternate Voting Delegate for the conference.
5. Approve attendance and associated costs for the nominated Councillors at the Australian Local Government Association – 2024 National Assembly to be held at the National Convention Centre Canberra from 2 to 4 July 2024, and such attendance be deemed to be Council business.

**RESOLVED** (Clr Findley / Clr Wells)

MIN24.224

That regarding the Australian Local Government Association (ALGA) 2024 National General Assembly, Council:

1. Nominate **The Mayor – Clr Findley** as the Council's Voting Delegate for the conference.
2. Nominate **The Deputy Mayor – Clr Norris** as the Council's Alternate Voting Delegate for the conference.
3. Approve attendance and associated costs for the nominated Councillors at the Australian Local Government Association – 2024 National Assembly to be held at the National Convention Centre Canberra from 2 to 4 July 2024, and such attendance be deemed to be Council business.
4. Vote on each proposed motion separately prior to their submission to ALGA 2024 National General Assembly

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

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

MIN24.225

That Council endorse the following motion for submission to the ALGA 2024 National General Assembly

**CLIMATE CHANGE AND RENEWABLE ENERGY**

*This National General Assembly calls on the Australian Government to implement fuel efficiency standards that will secure a pipeline of affordable lower and zero emissions vehicles for Australian communities, councils, and business fleets.*

*These standards must:*

- *Be mandatory and deliver at least equivalent settings to those in other major markets – to ensure Australia doesn't stay at the back of the queue for cleaner vehicles.*
- *Give Australian drivers more choice and affordability than they have today, by bringing a wider range of vehicle types to our shores.*
- *Support 100% of new vehicles sold in Australia to become zero emissions as soon as possible*

- sending a strong market signal that Australian communities, businesses, and government agencies are ready for zero-emission vehicles.

- Be reviewed and updated approximately every five years. Technology changes fast and it's imperative we have a continued supply of quality vehicles equivalent to our global peers.

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

AGAINST: Clr Copley, Clr Ell, Clr White, Clr Wells, Clr Kitchener

CARRIED

**RESOLVED** (Clr Findley / Clr Wells)

MIN24.226

That Council endorse the following motion for submission to the ALGA 2024 National General Assembly.

ACCESS AND EQUITY

*This National General Assembly calls on the Australian Federal Government to provide adequate funding in collaboration with the State Government relating to Access and Equity to provide assurance and appropriate accessible transport particularly for people in regional and rural areas.*

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

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

MIN24.227

That Council endorse the following motion for submission to the ALGA 2024 National General Assembly

FINANCIAL ASSISTANCE VIA SERVICES AUSTRALIA

*That this General Assembly calls on the Federal Government to provide adequate financial assistance, via Services Australia, to eligible ratepayers (Pension and Low-Income earner's) to assist with payments of council and water rates.*

*Financial assistance should be provided at an amount, or percentage, that reflects current level of rates, and should be delivered via a more efficient and cost-effective mechanism, than is currently used.*

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

There being no further business, the meeting concluded, the time being 8.52pm.

Clr Findley  
CHAIRPERSON