

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 6 May 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 Paul Ell
Clr Evan Christen
Clr Patricia White – Left meeting at 8:27pm
Clr John Wells
Clr Greg Watson - Left meeting at 8:47pm (Remotely)
Clr Mark Kitchener - Left meeting at 8:49pm (Remotely)
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

A leave of absence was granted for Clr Copley for this meeting at the meeting of 25 March 2024.

RESOLVED (Clr Findley) MIN24.228

That the requests from Clr Findley and Clr Wells for a leave of absence for the Ordinary Meeting of 20 May 2024 be granted.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Wells / Clr Kotlash) MIN24.229

That the Minutes of the Ordinary Meeting held on Monday 22 April 2024 be confirmed.

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

AGAINST: Nil

CARRIED

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Declaration of Interests

Nil

MAYORAL MINUTE

MM24.15 Mayoral Minute - Advocacy Post COP28 to Include Local Government in the National Agenda for Setting Australia's Net Zero Plan

**HPERM Ref:
D24/168636**

Recommendation

That Council:

1. Calls on LGNSW to form a working party to work closely with the Federal Government on Australia's ongoing commitments to tackling climate change.
 - a. To support funding models to assist councils to meet their emissions targets, without overburdening rate payers through unnecessary cost shifting.
2. Request the Federal Government make Local Government an active participant through the State and Territory Associations Network when setting the Net Zero Plan for Australia.
3. Request the Federal Government to honour its commitment to Local Government to place this issue on the agenda for the Mayor's Roundtable to be held post ALGA Conference in July 2024.

RESOLVED (Clr Findley / Clr Gray)

MIN24.230

That Council:

1. Calls on LGNSW to form a working party to work closely with the Federal Government on Australia's ongoing commitments to tackling climate change.
 - a. To support funding models to assist councils to meet their emissions targets, without overburdening rate payers through unnecessary cost shifting.
2. Request the Federal Government make Local Government an active participant through the State and Territory Associations Network when setting the Net Zero Plan for Australia.
3. Request the Federal Government to honour its commitment to Local Government to place this issue on the agenda for the Mayor's Roundtable to be held post ALGA Conference in July 2024.

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

AGAINST: Clr White and Clr Kitchener

CARRIED

MM24.16 Mayoral Minute - Professor Patricia M Davidson Vice-Chancellor and President of UOW

**HPERM Ref:
D24/169700**

Recommendation

That Council thank Professor Patricia M Davidson for her contribution over the past three years as Vice-Chancellor and President of University of Wollongong, noting her recent decision to stand down from the position, Council wish her well in her future endeavours.

RESOLVED (Clr Findley / Clr Kotlash)

MIN24.231

That Council thank Professor Patricia M Davidson for her contribution over the past three years as

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Vice-Chancellor and President of University of Wollongong, noting her recent decision to stand down from the position and wish her well in her future endeavours.

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

AGAINST: Nil

CARRIED

**MM24.17 Mayoral Minute - Condolence Motion - Anna Gardner,
President of Callala Bay Community Association**

**HPERM Ref:
D24/169941**

Recommendation

That Council notes the passing of Anna Gardner, acknowledges her significant contribution to the Shoalhaven community and the Callala Bay Community Association in particular, and extends condolences to her family.

RESOLVED (Clr Findley / Clr Ell)

MIN24.232

That Council notes the passing of Anna Gardner, acknowledges her significant contribution to the Shoalhaven community and the Callala Bay Community Association in particular, and extends condolences to her family.

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

AGAINST: Nil

CARRIED

DEPUTATIONS AND PRESENTATIONS

CL24.136 - Notice of Motion - South Coast Railway Upgrade

Ms Patricia David addressed the meeting on behalf of Unions Shoalhaven to speak FOR the recommendation

CL24.137 - Notice of Motion - Sanctuary Point Library

Mr Bruce Goldsmith addressed the meeting on behalf of Community Champions – Sanctuary Point & St Georges Basin to speak FOR the recommendation

CL24.132 - Notice of Motion - CL24.98 Councillor Expenses and Facilities Policy for Public Exhibition

Ms Linda Nowak addressed the meeting to speak FOR the recommendation

CALL OVER OF THE BUSINESS PAPER

Procedural Motion - Bring Item Forward

RESOLVED (Clr Norris / Clr Boyd)

MIN24.233

That the following items which received a deputation be brought forward for consideration after call over of the business paper:

- CL24.131 - Rescission Motion - CL24.98 Councillor Expenses and Facilities Policy for Public Exhibition

- CL24.132 - Notice of Motion - CL24.98 Councillor Expenses and Facilities Policy for Public Exhibition
- CL24.136 - Notice of Motion - South Coast Railway Upgrade
- CL24.137 - Notice of Motion - Sanctuary Point Library

FOR: Clr Findley, Clr D'Ath, Clr Boyd, Clr Norris, Clr Kotlash, 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 – Committee Reports

RESOLVED (Clr Norris / Clr Eil)

MIN24.234

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

- MS24.6 - Additional Item - Membership - Nowra District Motorcycle Club

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 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 Directorate

RESOLVED (Clr Wells / Clr White)

MIN24.235

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

- CL24.122 - Proposed Lease - Marine Rescue NSW - Part Lot 34 DP 755971 - 'Pilot House' - Crookhaven Heads - Prince Edward Ave, Culburra Beach
- CL24.124 - Tenders - Comerong Island Levee Remediation Works
- CL24.125 - Report Back - Havilland St Boat Ramp (Stage 1 & 2) and related works along Havilland Street and Lake Conjola Entrance Road
- CL24.126 - Harry Sawkins Park Nowra - Park Audit - Lighting / Maintenance / Garbage Bins / Water Quality

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 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 Kotlash)

MIN24.236

That the following item from Shoalhaven Water be resolved en block:

- CL24.128 - Connection to Town Sewerage System - 30 Pulman Street Berry - DA23/1329

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 Eil, Clr Christen, Clr White,

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Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En block - Councillor Conference Report

RESOLVED (Clr Christen / Clr Boyd)

MIN24.237

That the following items from Councillor Conference Report be resolved en block:

- CL24.129 - Circularity Live Conference - November 2022
- CL24.130 - 11th Australian Small Bridges Conference – 2023

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

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

AGAINST: Nil

CARRIED

CL24.131 Rescission Motion - CL24.98 Councillor Expenses and Facilities Policy for Public Exhibition

**HPERM Ref:
D24/167814**

Note: A deputation was received on this item.

Recommendation

That Council rescind the Motion relating to Item Rescission Motion - CL24.98 Councillor Expenses and Facilities Policy for Public Exhibition of the Council Meeting held on Monday 22 April 2024.

RESOLVED (Clr Christen / Clr Gray)

MIN24.238

That Council rescind the Motion relating to Item Rescission Motion - CL24.98 Councillor Expenses and Facilities Policy for Public Exhibition of the Council Meeting held on Monday 22 April 2024.

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

AGAINST: Clr Kotlash, Clr Ell, Clr White, Clr Wells, Clr Watson and Clr Kitchener

CARRIED ON THE CASTING VOTE OF THE CHAIR

CL24.132 Notice of Motion - CL24.98 Councillor Expenses and Facilities Policy for Public Exhibition

**HPERM Ref:
D24/167832**

Recommendation

That Council:

1. Amend the draft Councillor Expenses and Facilities Policy (Formerly known as "Council Members – Payment of Expenses and Provision of Facilities Policy") which was provided [as Attachment 1 to Council Report CL24.98](#) to amend the Model Policy definition of 'Official Business' by allowing the following as official business:
 - a. Meetings and functions of Council Committees and Boards
 - b. Government events in the Shoalhaven
 - c. Meetings of Community Consultative Bodies (CCB's), Community groups and Business Chambers
 - d. Responding to ratepayers' enquiries

- e. Australia Day and Anzac Day Ceremonies
2. 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”).
3. 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 Christen / Clr Gray)

MIN24.239

That Council:

1. Amend the draft Councillor Expenses and Facilities Policy (Formerly known as “Council Members – Payment of Expenses and Provision of Facilities Policy”) which was provided [as Attachment 1 to Council Report CL24.98](#) to amend the Model Policy definition of ‘Official Business’ by allowing the following as official business:
 - a. Meetings and functions of Council Committees and Boards
 - b. Government events in the Shoalhaven
 - c. Meetings and functions of Community Consultative Bodies (CCB’s), Community groups and Business Chambers
 - d. Responding to ratepayers’ enquiries
 - e. Australia Day and Anzac Day Ceremonies
2. 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”).
3. 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.

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

AGAINST: Clr Kotlash, Clr Ell, Clr White, Clr Wells, Clr Watson and Clr Kitchener

CARRIED ON THE CASTING VOTE OF THE CHAIR

Note: A recission motion was received on this item.

CL24.136 Notice of Motion - South Coast Railway Upgrade

**HPERM Ref:
D24/166450**

Note: A deputation was received on this item.

Recommendation

That Council

1. Write to the Minister for Transport, Hon Jo Haylen MP and Transport for NSW requesting the urgent prioritisation of the duplication and electrification of the South Cost railway south of Kiama to Bomaderry
2. Send a copy of the letter to the Member for Kiama, Gareth Ward MP and Member for South Coast, Liza Butler MP

MOTION (Clr Norris / Clr Kotlash)

That Council

1. Write to the Minister for Transport, Hon Jo Haylen MP and Transport for NSW requesting the urgent prioritisation of the duplication and electrification of the South Cost railway south of

Kiama to Bomaderry

2. Send a copy of the letter to the Member for Kiama, Gareth Ward MP and Member for South Coast, Liza Butler MP

AMENDMENT (Clr Eil / Clr Christen)

That Council

1. Notes the following works of Toolijooa Passing Loop project have been undertaken:
 - borehole drilling
 - test pit excavations
 - geotechnical surveying
 - water sampling
 - utility locating and scanning.
2. Write to the Minister for Transport, Hon Jo Haylen MP and Transport for NSW requesting the urgent prioritisation of the duplication and electrification of the South Cost railway south of Kiama to Bomaderry.
3. Send a copy of the letter to the Member for Kiama, Gareth Ward MP and Member for South Coast, Liza Butler MP

FOR: Clr Findley, Clr Eil, Clr Christen, Clr Wells, Clr Watson and Clr Kitchener

AGAINST: Clr D'Ath, Clr Boyd, Clr Norris, Clr Kotlash, Clr White and Clr Gray

CARRIED ON THE CASTING VOTE OF THE CHAIR

THE AMENDMENT BECAME THE MOTION AND WAS DELCARED CARRIED

RESOLVED (Clr Eil / Clr Christen)

MIN24.240

That Council

1. Notes the following works of Toolijooa Passing Loop project have been undertaken:
 - borehole drilling
 - test pit excavations
 - geotechnical surveying
 - water sampling
 - utility locating and scanning.
2. Write to the Minister for Transport, Hon Jo Haylen MP and Transport for NSW requesting the urgent prioritisation of the duplication and electrification of the South Cost railway south of Kiama to Bomaderry, and move the service from NSW TrainLink into Sydney Trains.
3. Send a copy of the letter to the Member for Kiama, Gareth Ward MP and Member for South Coast, Liza Butler MP

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

AGAINST: Nil

CARRIED

CL24.137 Notice of Motion - Sanctuary Point Library

**HPERM Ref:
D24/167769**

Note: A deputation was received on this item.

Recommendation

That Council:

1. Discontinue the current design of the proposed Sanctuary Point Library which has been prepared by Brewster Hjorth.
2. Subject to fulfilling Council's own procurement obligations, seeks to secure the rights to utilise the designs prepared by Brewster Hjorth Architects for the Warilla Library in Shellharbour City.
3. Seeks to have those plans adapted by Brewster Hjorth Architects for the Warilla Library, to suit the Sanctuary Point site.
4. Have the project delivered by the City Services Directorate, with the project owner being the City Lifestyles Directorate.
5. Receive a report from staff to Councillors on two-monthly basis to include timeframes and level of compatibility with grant schedules.

Note: The meeting adjourned, the time being 7:26pm

Note: The meeting reconvened, the time being 7:44pm

The following members were present:

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

RESOLVED (Clr Kotlash / Clr White)

MIN24.241

That Council:

1. Acknowledge the commitment made to the community of Sanctuary Point for the delivery of a district library.
2. Subject to fulfilling Council's own procurement obligations, seeks to secure the rights to utilise the designs prepared by Brewster Hjorth Architects for the Warilla Library in Shellharbour City.
3. Seeks to have those plans adapted by Brewster Hjorth Architects for the Warilla Library, to suit the Sanctuary Point site, and for that adaptation to reflect potential design changes of the project to incorporate as many features of the original design as possible.
4. Have a cost estimate prepared of the revised and re-scoped project reported to Council as soon as practicable, and then subject to a resolution of Council, be delivered by the City Services Directorate, with the project owner being the City Lifestyles Directorate.
5. Receive a report from staff to Councillors on two-monthly basis to include timeframes and level of compatibility with grant schedules, and any variations which may need to be applied for.

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6. Send a copy of this resolution to the Federal Member for Gilmore, Fiona Phillips MP and the Member for South Coast, Liza Butler MP.

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

AGAINST: Clr Christen

CARRIED

REPORT OF THE SHOALHAVEN MOTOR SPORTS WORKING GROUP - 17 APRIL 2024

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

MS24.6 Additional Item - Membership - Nowra District Motorcycle Club

RESOLVED* (Clr Norris / Clr Ell)

MIN24.242

That Council endorse two (2) representatives of the Nowra District Motorcycle Club (Board) becoming members of Shoalhaven Motor Sports Working Group.

FOR: Clr Findley, Clr D'Ath, Clr Boyd, Clr Norris, Clr Kotlash, 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'.

CL24.117 Financial Sustainability Monthly Report

HPERM Ref:
D24/165758

Recommendation

That Council:

1. Endorse placing the BLERF showground upgrades projects (Kangaroo Valley, Milton, Berry and Nowra) construction on pause until Council's financial position improves (unfunded \$7.6 million)
2. Receive an update on matters discussed in the April 2024 financial sustainability workshops, including 2024/25 budget and service planning workstreams.

RESOLVED (Clr Wells / Clr White)

MIN24.243

That Council:

1. Endorse placing the BLERF showground upgrades projects (Kangaroo Valley, Milton, Berry and Nowra) construction on pause until Council's financial position improves (unfunded \$7.6 million)
2. Receive an update on matters discussed in the April 2024 financial sustainability workshops, including 2024/25 budget and service planning workstreams.

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

AGAINST: Nil

CARRIED

**CL24.118 Draft Delivery Program Operational Plan and Budget
2024-25 - Public Exhibition**

**HPERM Ref:
D24/109532**

Note: Clr White left the meeting, the time being 8:27pm.

Recommendation

That Council:

1. Endorse the Draft 2024/25 Delivery Program and Operational Plan, Draft Budget, Draft Fees and Charges (including the proposed funding strategy for the delivery of general fund capital works) for the purpose of placing on public exhibition for a period of 28 days.
2. Maintain the previous 2023/24 rating structure, comprising both base and ad valorem amounts which is a commonly used ratings structure that results in bringing the higher and lower values closer together and in effect spreads the burden across the board to all ratepayers.
3. In accordance with Section 566(3) of the Local Government Act, 1993, and Council's policy POL22/88 *Revenue – Overdue Interest Rate* endorse the rate of interest payable on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive) to be the maximum 10.5% per annum as determined by the Minister of Local Government.
4. Note that interest charges will continue to be waived for ratepayers that are experiencing financial hardship and they can apply for financial assistance under Council's Hardship Policy.
5. Approve the Minister's allowable limit of a 4.5% rate peg increase in 2024/25 to the notional yield as permitted by Section 511 of the Local Government Act, 1993.
6. Receive a report on feedback from the community on the Draft 2024/25 Delivery Program Operational Plan and Budget following the public exhibition period.

RESOLVED (Clr Wells / Clr Christen)

MIN24.244

That Council:

1. Endorse the Draft 2024/25 Delivery Program and Operational Plan, Draft Budget, Draft Fees and Charges (including the proposed funding strategy for the delivery of general fund capital works) for the purpose of placing on public exhibition for a period of 28 days.
2. Maintain the previous 2023/24 rating structure, comprising both base and ad valorem amounts which is a commonly used ratings structure that results in bringing the higher and lower values closer together and in effect spreads the burden across the board to all ratepayers.
3. In accordance with Section 566(3) of the Local Government Act, 1993, and Council's policy POL22/88 *Revenue – Overdue Interest Rate* endorse the rate of interest payable on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive) to be the maximum 10.5% per annum as determined by the Minister of Local Government.
4. Note that interest charges will continue to be waived for ratepayers that are experiencing financial hardship and they can apply for financial assistance under Council's Hardship Policy.
5. Approve the Minister's allowable limit of a 4.5% rate peg increase in 2024/25 to the notional yield as permitted by Section 511 of the Local Government Act, 1993.
6. Receive a report on feedback from the community on the Draft 2024/25 Delivery Program Operational Plan and Budget following the public exhibition period.

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

AGAINST: Nil

CARRIED

CL24.119 2023/24 Council Borrowings - TCorp Loan Agreement

**HPERM Ref:
D24/148244**

Recommendation

That Council:

1. Enter into a loan agreement, with New South Wales Treasury Corporation (TCorp) for \$15,856,000 (to be repaid over 10 years with an indicative interest rate of 5.07%) to cover the General Fund borrowing requirements that have been previously endorsed by Council and included in the 2023/24 Delivery Program and Budget (MIN23.326).
2. Delegate authority to the Chief Executive Officer to execute the loan agreement.

RESOLVED (Clr Eil / Clr Kotlash)

MIN24.245

That Council:

1. Enter into a loan agreement, with New South Wales Treasury Corporation (TCorp) for \$15,856,000 (to be repaid over 10 years with an indicative interest rate of 5.07%) to cover the General Fund borrowing requirements that have been previously endorsed by Council and included in the 2023/24 Delivery Program and Budget (MIN23.326).
2. Delegate authority to the Chief Executive Officer to execute the loan agreement.

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

AGAINST: Nil

CARRIED

CL24.120 Report Back - Nowra CBD Planning Controls Review and Related Regional Planning Work

**HPERM Ref:
D24/119353**

Recommendation

That Council:

1. Reaffirm its support to await the outcomes of the NSW Government's Nowra City Centre Strategic Roadmap process before implementing, if needed, the previously resolved review of planning controls for Nowra CBD (MIN21.249).
2. Receive a further report back on the Strategic Roadmap Discussion Paper when it is released for public consultation.

RESOLVED (Clr Eil / Clr Norris)

MIN24.246

That Council:

1. Reaffirm its support to await the outcomes of the NSW Government's Nowra City Centre Strategic Roadmap process before implementing, if needed, the previously resolved review of planning controls for Nowra CBD (MIN21.249).
2. Receive a further report back on the Strategic Roadmap Discussion Paper when it is released for public consultation.

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

AGAINST: Nil

CARRIED

CL24.121 Report Back - Notice of Motion - Bomaderry Lions - Storage Access - Thurgate Oval Bomaderry

HPERM Ref: D24/109477

Recommendation

That Council Receive the report regarding the Bomaderry Lions proposal for storage access at Thurgate Oval.

RESOLVED (Clr Gray / Clr Kotlash)

MIN24.247

That Council Receive the report regarding the Bomaderry Lions proposal for storage access at Thurgate Oval.

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

AGAINST: Nil

CARRIED

CL24.122 Proposed Lease - Marine Rescue NSW - Part Lot 34 DP 755971 - 'Pilot House' - Crookhaven Heads - Prince Edward Ave, Culburra Beach

HPERM Ref: D24/122801

RESOLVED* (Clr Wells / Clr White)

MIN24.248

That Council

1. Approve Marine Rescue NSW to continue to occupy the 'Pilot House' at Crookhaven Heads (Part of Part Lot 34 DP 755971) and enter into a lease renewal for four by five years commencing 1 January 2023.
2. Authorise the Chief Executive Officer to execute relevant documentation for the lease of the 'Pilot House' at Crookhaven Heads, Prince Edward Ave, Culburra Beach to Marine Rescue NSW at an annual rental amount of \$556 + GST with an annual CPI increase on the anniversary of the commencement date.

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

AGAINST: Nil

CARRIED

CL24.123 Road Naming Proposal - Far North Collector Road (Bannada Way)

HPERM Ref: D24/144616

Recommendation

That Council:

1. Endorse the road name "Bannada Way" for the new road currently referred to as the Far North Collector.
2. Authorise Council Staff to make a submission to the Geographical Names Board of NSW with the road naming proposal.

RESOLVED (Clr Eil / Clr Norris)

MIN24.249

That Council:

1. Endorse the road name "Bannada Way" for the new road currently referred to as the Far North Collector.
2. Authorise Council Staff to make a submission to the Geographical Names Board of NSW with

the road naming proposal.

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

AGAINST: Nil

CARRIED

CL24.124 Tenders - Comerong Island Levee Remediation Works

**HPERM Ref:
D24/142791**

RESOLVED* (Clr Wells / Clr White)

MIN24.250

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

AGAINST: Nil

CARRIED

CL24.125 Report Back - Havilland St Boat Ramp (Stage 1 & 2) and related works along Havilland Street and Lake Conjola Entrance Road

**HPERM Ref:
D24/125296**

RESOLVED* (Clr Wells / Clr White)

MIN24.251

That Council receives the update report on the status of works at the Havilland Street Boat Ramp (Stages 1 and 2) and related roadworks along Havilland Street and Lake Conjola Entrance Road as required by MIN23.673.

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

AGAINST: Nil

CARRIED

CL24.126 Harry Sawkins Park Nowra - Park Audit - Lighting / Maintenance / Garbage Bins / Water Quality

**HPERM Ref:
D24/125602**

RESOLVED* (Clr Wells / Clr White)

MIN24.252

That Council:

1. Note the report which provides an update on the actions taken to date at Harry Sawkins Park.
2. Endorse the short-term works in the park of:
 - a. removing rubbish on a regular maintenance schedule,
 - b. regular maintenance of the gross pollutant traps,
 - c. planting of native vegetation,
3. Undertake the work set out in Recommendation 2. in financial year 2024/25, utilising operational budgets from that year.

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

AGAINST: Nil

CARRIED

CL24.127 Adoption of the Open Coast and Jervis Bay Coastal Management Program

**HPERM Ref:
D24/124909**

Recommendation

That Council:

1. Adopt the Open Coast and Jervis Bay Coastal Management Program (CMP) and the CMP be submitted to the Minister for Local Government for certification.
2. Note resourcing requirements encompassed by the plan and its actions (Stage 5 implementation), with capital and operational allocations to be determined via budget processes, and the reliance on grant funding for delivery.

RESOLVED (Clr Wells / Clr Kotlash)

MIN24.253

That Council:

1. Adopt the Open Coast and Jervis Bay Coastal Management Program (CMP) and the CMP be submitted to the Minister for Local Government for certification.
2. Note resourcing requirements encompassed by the plan and its actions (Stage 5 implementation), with capital and operational allocations to be determined via budget processes, and the reliance on grant funding for delivery.

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

AGAINST: Nil

CARRIED

CL24.128 Connection to Town Sewerage System - 30 Pulman Street Berry - DA23/1329

**HPERM Ref:
D24/158350**

RESOLVED* (Clr Wells / Clr Kotlash)

MIN24.254

That Council approve the connection of DA23/1329 to the Berry Sewerage Scheme by a pressure sewer system subject to the applicant complying with all conditions specified in the Shoalhaven Water Development Notice for the development.

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

AGAINST: Nil

CARRIED

CL24.129 Circularity Live Conference - November 2022

**HPERM Ref:
D24/157524**

RESOLVED* (Clr Christen / Clr Boyd)

MIN24.255

That Council receive the report from Clr John Kotlash on the Circularity Live 2022 for information.

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

AGAINST: Nil

CARRIED

CL24.130 11th Australian Small Bridges Conference - 2023

**HPERM Ref:
D24/159754**

RESOLVED* (Clr Christen / Clr Boyd)

MIN24.256

That Council receive the report from Clr Mark Kitchener on the 11th Australian Small Bridges Conference 2023 for information.

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL24.131 RESCISSION MOTION - CL24.98 COUNCILLOR
EXPENSES AND FACILITIES POLICY FOR PUBLIC
EXHIBITION**

**HPERM REF:
D24/167814**

Item dealt with earlier in the meeting see MIN24.238

**CL24.132 NOTICE OF MOTION - CL24.98 COUNCILLOR
EXPENSES AND FACILITIES POLICY FOR PUBLIC
EXHIBITION**

**HPERM REF:
D24/167832**

Item dealt with earlier in the meeting see MIN24.239

CL24.133 Notice of Motion - Rest Area Crookhaven Boat Ramp

**HPERM Ref:
D24/165673**

Note: Clr Watson left the meeting, the time being 8:47pm.

Note: Clr Kitchener left the meeting, the time being 8:49pm.

Recommendation

That Council

1. Notes that the top carpark at the Crookhaven Boat Ramp is underutilised and has become a hotspot for anti-social behaviour and illegal dumping.
2. Directs the CEO (Director City Services) to prepare timely report, in regard to possible use of the top car park at Crookhaven Boat Ramp as a venue for a trial, allowing RV Travellers to use a portion of the carpark for overnight stays, with that report to consider:
 - a. Existing anti-social behaviour and illegal dumping and whether that is expected to be mitigated by the trial.
 - b. The permissibility of this as a function of classification and zoning and whether a Development Application may be required.
 - c. The potential cost implications of signage, regulation and monitoring of the car park
 - d. Whether, for the purposes of the trial, only fully self-contained RVs will be allowed to use the area, with sleeping in cars and camping in tents not being permissible.
 - e. Whether maximum stay times to be 24 hours are able to be supported.

- f. How rubbish may be managed.
 - g. Forgone potential income by making such parking free to users.
3. Directs the CEO (Director City Services) to keep Councillors updated on the progress of the report before having it considered at an upcoming Council Meeting.

MOTION (Clr Eil / Clr Boyd)

MIN24.257

That Council

1. Notes that the top carpark at the Crookhaven Boat Ramp is underutilised and has become a hotspot for anti-social behaviour and illegal dumping.
2. Directs the CEO (Director City Services) to prepare timely report, in regard to possible use of the top car park at Crookhaven Boat Ramp as a venue for a trial, allowing RV Travellers to use a portion of the carpark for overnight stays, with that report to consider:
 - a. Existing anti-social behaviour and illegal dumping and whether that is expected to be mitigated by the trial.
 - b. The permissibility of this as a function of classification and zoning and whether a Development Application may be required.
 - c. The potential cost implications of signage, regulation and monitoring of the car park
 - d. Whether, for the purposes of the trial, only fully self-contained RVs will be allowed to use the area, with sleeping in cars and camping in tents not being permissible.
 - e. Whether maximum stay times to be 24 hours are able to be supported.
 - f. How rubbish may be managed.
 - g. Forgone potential income by making such parking free to users.
3. Directs the CEO (Director City Services) to keep Councillors updated on the progress of the report before having it considered at an upcoming Council Meeting.

FOR: Clr Boyd, Clr Norris, Clr Kotlash and Clr Eil

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

LOST

CL24.134 Notice of Motion - Nowra Bridge Light Display

**HPERM Ref:
D24/167199**

Recommendation

That Council

1. Notes that the NSW State Government has yet to make any announcement regarding the future use of the Old Nowra Bridge.
2. Directs the CEO to contact Transport for NSW to investigate the potential for a lighting display to be installed on the bridge which can be utilised to recognise important occasions such as ANZAC Day.
3. Requests the CEO to contact Maitland City Council to find out more information about the lighting of Morpeth Bridge including the protocols in place with Transport for NSW.
4. Directs the CEO to provide a report to Councillors on the results of the above investigations.

RESOLVED (Clr Eil / Clr Norris)

MIN24.258

That Council

1. Notes that the NSW State Government has yet to make any announcement regarding the

future use of the Old Nowra Bridge.

2. Directs the CEO to contact Transport for NSW to investigate the potential for a lighting display to be installed on the bridge which can be utilised to recognise important occasions such as ANZAC Day.
3. Requests the CEO to contact Maitland City Council to find out more information about the lighting of Morpeth Bridge including the protocols in place with Transport for NSW.
4. Directs the CEO to provide a report to Councillors on the results of the above investigations.

FOR: Clr Boyd, Clr Norris, Clr Ell, Clr Christen and Clr Wells

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

CARRIED

CL24.135 Notice of Motion - Adjusting Timing of Infrastructure Levies

**HPERM Ref:
D24/165698**

Recommendation

That the CEO give consideration to and report upon the possibility and implications of incentivising more significant forms of residential development (e.g. appropriate apartment/unit developments and residential subdivisions) by adjusting the timing of part or all of infrastructure levies (e.g. Sec 7.11 & Sec 64) to occupation certificate or similar stage of development.

MOTION (Clr Wells / Clr Kotlash)

MIN24.259

That the CEO give consideration to and report upon the possibility and implications of incentivising more significant forms of residential development (e.g. appropriate apartment/unit developments and residential subdivisions) by adjusting the timing of part or all of infrastructure levies (e.g. Sec 7.11 & Sec 64) to occupation certificate or similar stage of development.

FOR: Clr Norris, Clr Kotlash, Clr Ell and Clr Wells

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

LOST

Note: A rescission motion was received on this item, however Councillors have been notified as per clause 17.4 and 17.6 of the Code of Meeting Practice:

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Due to the Notice of Motion being LOST and not carried therefore this will be dealt with under 17.6 as a Notice of Motion:

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

CL24.136 NOTICE OF MOTION - SOUTH COAST RAILWAY UPGRADE

**HPERM REF:
D24/166450**

Item dealt with earlier in the meeting see MIN24.240

CL24.137 NOTICE OF MOTION - SANCTUARY POINT LIBRARY

**HPERM REF:
D24/167769**

Item dealt with earlier in the meeting see MIN24.241

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 Norris)

MIN24.260

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.

CCL24.13 Tenders - Comerong Island Levee Remediation Works

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 Ell, Clr Christen, Clr Wells and Clr Gray

AGAINST: Nil

CARRIED

The meeting moved into confidential the time being 9:12pm.

The meeting moved into open session, the time being 9:17pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL24.13 Tenders - Comerong Island Levee Remediation Works

**HPERM Ref:
D24/141724**

RESOLVED

MIN24.261C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Browns Environmental Earthworks Planning Pty Ltd for Comerong Island Levee Remediation Works. for a total cost of \$1,256,999.70 (excluding GST).
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 (Directorate City Services).

CARRIED

Note: A Rescission Motion was received in relation to CL24.132 - Notice of Motion - CL24.98 Councillor Expenses and Facilities Policy for Public Exhibition, signed by Clr White, Clr Wells and Clr Ell.

Note: A Rescission Motion was received in relation to CL24.135 - Notice of Motion - Adjusting Timing of Infrastructure Levies, signed by Clr Kotlash, Clr Wells and Clr Ell, however Councillors have been notified as per clause 17.4 and 17.6 of the Code of Meeting Practice:

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Due to the Notice of Motion being LOST and not carried therefore this will be dealt with under 17.6 as a Notice of Motion:

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

There being no further business, the meeting concluded, the time being 9.20pm.

Clr Findley
CHAIRPERSON