

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 21 January 2025
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

The following members were present:

Clr Patricia White - Chairperson
Clr Selena Clancy
Clr Denise Kemp – Joined meeting 5:40pm (Remotely)
Clr Luciano Casmiri
Clr Karlee Dunn
Clr Jason Cox
Clr Peter Wilkins
Clr Bob Proudfoot
Clr Jemma Tribe
Clr Matthew Norris
Clr Gillian Boyd
Clr Natalee Johnston (Remotely)
Clr Ben Krikstolaitis (Remotely)

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 Cox / Clr Casmiri) MIN25.1

That the Minutes of the Ordinary Meeting held on Tuesday 17 December 2024 be confirmed.

FOR: Clr White, Clr Clancy, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

Declaration of Interests

Nil

Presentation of Petitions

Clr Tribe presented a petition containing 2,387 signatures which states: We, the undersigned, hereby respectfully request Shoalhaven City Council to install an environmentally sound, permanent, public toilet near the Wowly Creek picnic area at the top of the access stairs. The closest public toilets are located at the Callala Bay Boat Ramp, nearly 1 kilometre away. Families and other visitors often use the surrounding bushland as the toilet and this is not only unsightly but also a health hazard. The local residents are concerned about the rubbish around the area from toileting activities. This matter has been raised by the Callala Bay Community Association with the Shoalhaven City Council for over a decade. In recent years, Council has placed a “portaloo” at Wowly Creek, attempting to alleviate the problem over Summer; however, the “portaloo” is not regularly cleaned and has been subject to vandalism on several occasions, including by pushing over, which has added to the problem.

DEPUTATIONS AND PRESENTATIONS

Note: Clr Kemp joined the meeting remotely, the time being 5:40pm.

CL25.1 - Rescission Motion - CL24.384 - Notice of Motion - Post-Exhibition and Finalisation - Planning Proposal - Local Character - Shoalhaven Local Environmental Plan 2014 (PP073)

Ms Sue Chapman addressed the meeting on behalf of the Callala bay Community Association Inc to speak FOR the recommendation.

CL25.10 - Notice of Motion - Feasibility Study for Establishment of a Traffic Control Function

Mr Travis Harpley addressed the meeting to speak FOR the recommendation.

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL25.1 Rescission Motion - CL24.384 - Notice of Motion - Post-Exhibition and Finalisation - Planning Proposal - Local Character - Shoalhaven Local Environmental Plan 2014 (PP073) HPERM Ref: D24/541443

Note: A deputation was received on this item

Recommendation

That Council rescind the Motion relating to Item CL24.384 - Notice of Motion - Post-Exhibition and Finalisation - Planning Proposal - Local Character - Shoalhaven Local Environmental Plan 2014 (PP073) of the Council Meeting held on Tuesday 10 December 2024.

MOTION (Clr Tribe / Clr Norris) MIN25.2

That Council rescind the Motion relating to Item CL24.384 - Notice of Motion - Post-Exhibition and Finalisation - Planning Proposal - Local Character - Shoalhaven Local Environmental Plan 2014 (PP073) of the Council Meeting held on Tuesday 10 December 2024.

FOR: Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins and Clr Proudfoot

LOST

CL25.2 Notice of Motion - CL24.384 - Post-Exhibition and Finalisation - Planning Proposal - Local Character - Shoalhaven Local Environmental Plan 2014 (PP073) HPERM Ref: D24/541523

This item was not dealt with as the preceding Rescission Motion was LOST. See MIN25.2

CL25.3 Notice of Motion - Reinstate Greenwell Point Village Pool Operating Hours Petition HPERM Ref: D25/294

Recommendation

That Council:

1. Grant special dispensation to Greenwell Point Pool and reverse the recent changes to its operating hours, based on the following considerations:
 - a. Drowning prevention: Drowning remains one of the leading causes of death among Australian children. Access to Greenwell point Pool is critical for children to learn swimming and water safety skills in a safe, community-focused environment. The decision to shorten the pool's season significantly limits this vital access.
 - b. Impact on school programs: The shortened season affects Berry Public School students' participation in swimming programs. Term 4 swimming classes, which prepare students for safe summer activities, can no longer proceed. Many parents with young children who are still learning to swim, rely on initiatives like this.
 - c. Extended swimming season: Greenwell point's swimming season and warmer weather.
 - d. Economic and operational efficiency: Greenwell Point Pool operates with fewer staff and lower overheads compared to larger facilities like Bomaderry Aquatic Centre, making it a cost-effective and vital community resource during the warmer months.
 - e. Tourism and local patronage: Greenwell Point Pool benefits from additional use by visitors staying, including day-trippers and guests in short-term rentals.

2. Explore a pro-rata fee structure for Season Passes. This initiative would encourage more patrons and families to purchase season passes, even late in the season, potentially boosting both pool usage and revenue.

MOTION (Clr Casmiri / Clr Proudfoot)

That Council:

1. Grant special dispensation to Greenwell Point Pool and reverse the recent changes to its operating hours, based on the following considerations:
 - a. Drowning prevention: Drowning remains one of the leading causes of death among Australian children. Access to Greenwell point Pool is critical for children to learn swimming and water safety skills in a safe, community-focused environment. The decision to shorten the pool's season significantly limits this vital access.
 - b. Impact on school programs: The shortened season affects Greenwell Point Public School students' participation in swimming programs. Term 4 swimming classes, which prepare students for safe summer activities, can no longer proceed. Many parents with young children who are still learning to swim, rely on initiatives like this.
 - c. Extended swimming season: Greenwell point's swimming season and warmer weather.
 - d. Economic and operational efficiency: Greenwell Point Pool operates with fewer staff and lower overheads compared to larger facilities like Bomaderry Aquatic Centre, making it a cost-effective and vital community resource during the warmer months.
 - e. Tourism and local patronage: Greenwell Point Pool benefits from additional use by visitors staying, including day-trippers and guests in short-term rentals.
2. Explore a pro-rata fee structure for Season Passes. This initiative would encourage more patrons and families to purchase season passes, even late in the season, potentially boosting both pool usage and revenue.

AMENDMENT (Clr Tribe / Clr Krikstolaitis)

That Council:

1. Grant special dispensation to Greenwell Point Pool and reverse the recent changes to its operating hours if warm weather is forecast for the end of March, based on the following considerations:
 - a. Drowning prevention: Drowning remains one of the leading causes of death among Australian children. Access to Greenwell point Pool is critical for children to learn swimming and water safety skills in a safe, community-focused environment. The decision to shorten the pool's season significantly limits this vital access.
 - b. Impact on school programs: The shortened season affects Greenwell Point Public School students' participation in swimming programs. Term 4 swimming classes, which prepare students for safe summer activities, can no longer proceed. Many parents with young children who are still learning to swim, rely on initiatives like this.
 - c. Extended swimming season: Greenwell point's swimming season and warmer weather.
 - d. Economic and operational efficiency: Greenwell Point Pool operates with fewer staff and lower overheads compared to larger facilities like Bomaderry Aquatic Centre, making it a cost-effective and vital community resource during the warmer months.
 - e. Tourism and local patronage: Greenwell Point Pool benefits from additional use by visitors staying, including day-trippers and guests in short-term rentals.
2. Explore a pro-rata fee structure for Season Passes. This initiative would encourage more patrons and families to purchase season passes, even late in the season, potentially boosting both pool usage and revenue.

FOR: Clr Tribe, Clr Norris, Clr Boyd and Clr Krikstolaitis

AGAINST: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot and Clr Johnston

LOST

RESOLVED (Clr Casmiri / Clr Proudfoot)

MIN25.3

That Council:

1. Grant special dispensation to Greenwell Point Pool and reverse the recent changes to its operating hours, based on the following considerations:
 - a. Drowning prevention: Drowning remains one of the leading causes of death among Australian children. Access to Greenwell point Pool is critical for children to learn swimming and water safety skills in a safe, community-focused environment. The decision to shorten the pool's season significantly limits this vital access.
 - b. Impact on school programs: The shortened season affects Greenwell Point Public School students' participation in swimming programs. Term 4 swimming classes, which prepare students for safe summer activities, can no longer proceed. Many parents with young children who are still learning to swim, rely on initiatives like this.
 - c. Extended swimming season: Greenwell point's swimming season and warmer weather.
 - d. Economic and operational efficiency: Greenwell Point Pool operates with fewer staff and lower overheads compared to larger facilities like Bomaderry Aquatic Centre, making it a cost-effective and vital community resource during the warmer months.
 - e. Tourism and local patronage: Greenwell Point Pool benefits from additional use by visitors staying, including day-trippers and guests in short-term rentals.
2. Explore a pro-rata fee structure for Season Passes. This initiative would encourage more patrons and families to purchase season passes, even late in the season, potentially boosting both pool usage and revenue.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Cox, Clr Wilkins and Clr Proudfoot

AGAINST: Clr Dunn, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

CARRIED

CL25.4 Question on Notice - Planning for Projected Population Growth HPERM Ref: D25/2994

Question

Treasurer Jim Chalmers in December released current population estimates suggesting 13.8 million people in 40 years assuming a lower immigration rate than the past 30 years.

It is anticipated that the majority will settle on the east coast. Given global warming concerns and the migration from an over-crowded Sydney, the south coast beachside towns as illustrated by the record number of visitors during the past month, the Shoalhaven locations are most attractive.

Before finalising any strategic planning items currently in preparation by council can councillors be assured, we are planning adequately for facilitating this growth across all 5 planning areas in the Shoalhaven City Council "A Failure to Plan adequately for facilitating developments is a Plan to Fail".

Response

Comprehensive confirmation on the inclusion of adequate growth management principles across the 5 planning areas will be addressed with Councillors as a result of this Question on Notice.

Strategic growth planning/management in Shoalhaven is currently informed by Council's existing [Shoalhaven Growth Management Strategy](#) and the NSW Government's [Illawarra-Shoalhaven](#)

Regional Plan.

Council has commenced the review of its Local Environmental Plan (LEP), which is the most appropriate and structured approach to ensuring suitable growth management is achieved. Accordingly, Council staff can respond to this matter as part of ongoing and structured discussions with Council as part of the Land Use planning Scheme work.

CL25.5 Notice of Motion - Contributions Plan Briefing HPERM Ref: D25/4539

Recommendation

That the CEO organise a briefing on the review of Council's contributions framework and new contributions plan as soon as possible, including more detail on projects that have reached at least 50% completion and the feasibility of early delivery.

RESOLVED (Clr Casmiri / Clr White) MIN25.4

That the CEO organise a briefing on the review of Council's contributions framework and new contributions plan as soon as possible, including more detail on projects that have reached at least 50% completion and the feasibility of early delivery.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

CL25.6 Notice of Motion - Report Request - History of Investigations Sanctuary Point Shopping Centre Rear Area and Laneway HPERM Ref: D25/12315

Recommendation

That Council directs the CEO to prepare a report which details the history of investigations of the area and laneway at the rear of the Sanctuary Point shopping centre, Paradise Beach Road. In particular the report will focus on the following:

1. Previous resolutions of Council designed at working with shopkeepers in order to tidy up the overall appearance of the location.
2. The most recent survey which clearly defines the common boundary of the laneway and the rear of the shops.
3. Any identified health or safety issues with the location of large garbage disposal bins.
4. The availability of government funding which could be used to provide an aesthetically pleasing facelift of the location, which can best be described as neglected.

RESOLVED (Clr Proudfoot / Clr White) MIN25.5

That Council directs the CEO to prepare a report which details the history of investigations of the area and laneway at the rear of the Sanctuary Point shopping centre, Paradise Beach Road. In particular the report will focus on the following:

1. Previous resolutions of Council designed at working with shopkeepers in order to tidy up the overall appearance of the location.
2. The most recent survey which clearly defines the common boundary of the laneway and the rear of the shops.
3. Any identified health or safety issues with the location of large garbage disposal bins.
4. The availability of government funding which could be used to provide an aesthetically pleasing facelift of the location, which can best be described as neglected.

pleasing facelift of the location, which can best be described as neglected.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

CL25.7 Notice of Motion - Urgent Clarification Minister for Local Government - Labor Meeting November

HPERM Ref: D25/12371

Recommendation

That Council writes to the Minister For Local Government and the Member For South Coast seeking urgent clarification as to the assertions made at a meeting of the Jervis Bay branch of the Labor Party on 13/11/24, where the resolution moved and carried sought intervention into the activities of Shoalhaven City Council and its subsequent sacking.

PROCEDURAL MOTION - EXTENSION OF TIME (Clr Cox / Clr Clancy)

That Clr Proudfoot be granted an extension to speak on this item.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd and Clr Krikstolaitis

AGAINST: Clr Johnston

CARRIED

Clr Kemp raised a Point of Order against Clr Krikstolaitis. The Mayor ruled as a Point of Order. The Mayor asked all Councillors to refrain from making personal statements about current and previous Councillors.

The Mayor raised a Point of Order against Clr Boyd. The Mayor asked Clr Boyd to state that it is only her opinion that Councillors were not consulted regarding the resignation of the previous CEO.

Clr Boyd stated that it is only her opinion.

Clr Johnston raised a Point of Order against Clr Clancy. The Mayor ruled as a Point of Order. Clr Clancy was asked to keep her comments to the motion at hand.

RESOLVED (Clr Proudfoot / Clr Cox)

MIN25.6

That Council writes to the Minister For Local Government and the Member For South Coast seeking urgent clarification as to their position regarding the assertions made at a meeting of the Jervis Bay branch of the Labor Party on 13/11/24, where the resolution moved and carried sought intervention into the activities of Shoalhaven City Council and its subsequent sacking.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Clr Norris

CARRIED

CL25.8 Notice of Motion - Condolences to the Fire Affected Areas of Southern California

**HPERM Ref:
D25/13687**

Recommendation

That

1. Council express its condolences to the Mayors of fire-affected areas in Southern California, on behalf of the City of Shoalhaven, for the tragic loss of life and widespread devastation caused by the ongoing wildfires.
2. Furthermore, Council offers to share insights from our Recovery into Resilience and Fortis House Projects, which provided support to Shoalhaven residents following the 2019/2020 bushfires, should these communities wish to draw upon our experiences in their recovery efforts.

RESOLVED (Clr Norris / Clr Proudfoot)

MIN25.7

That

1. Council express its condolences to the Mayors of fire-affected areas in Southern California, on behalf of the City of Shoalhaven, for the tragic loss of life and widespread devastation caused by the ongoing wildfires.
2. Furthermore, Council offers to share insights from our Recovery into Resilience and Fortis House Projects, which provided support to Shoalhaven residents following the 2019/2020 bushfires, should these communities wish to draw upon our experiences in their recovery efforts.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

CL25.9 Notice of Motion - "Call In" DA23/1825 - Lot 2, DP701597 - 1 Wharf Rd, Shoalhaven Heads

**HPERM Ref:
D25/15838**

Recommendation

That Council "Call In" DA23/1825 relating to Lot 2, DP701597 – 1 Wharf Rd, Shoalhaven Heads be reported to Council for determination due to the public interest.

Clr Wilkins raised a Point of Order against Clr Tribe. The Mayor ruled as a Point of Order. Clr Tribe was asked to unreservedly withdraw her comments alleging that Clr Wilkins is friends with the applicant.

Clr Tribe unreservedly withdrew her comments.

RESOLVED (Clr Wilkins / Clr White)

MIN25.8

That Council "Call In" DA23/1825 relating to Lot 2, DP701597 – 1 Wharf Rd, Shoalhaven Heads be reported to Council for determination due to the public interest.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

CL25.10 Notice of Motion - Feasibility Study for Establishment of a Traffic Control Function

HPERM Ref: D25/16211

Note: A deputation was received on this item

Recommendation

That the Council direct the Acting Chief Executive Officer to prepare a report to Council, which includes a study into the financial and practical feasibility of establishing an appropriately trained, licensed and fully equipped traffic control business unit, or the integration of traffic management skill sets within appropriate current job roles, with that feasibility study including:

1. Case studies of minor Council projects showing high level costing/expenditure, indicating the amount that is paid for traffic control services;
2. What support such a business unit, or integrated traffic management skill sets, could provide Council for projects and initiatives that require the services of Traffic Controllers including road repair and renewal, erecting or repairing roadside fences, clearing roadside drains, and maintaining roundabouts and roadside vegetation; and
3. Consideration of a fee-for-service function to external agencies or businesses that require Traffic Control services while conducting their business.

RESOLVED (Clr Boyd / Clr Johnston)

MIN25.9

1. That the Council direct the Acting Chief Executive Officer to prepare a report to Council, which includes a study into the financial and practical feasibility of establishing an appropriately trained, licensed and fully equipped traffic control business unit, or the integration of traffic management skill sets within appropriate current job roles, with that feasibility study including:
 - a. Case studies of minor Council projects showing high level costing/expenditure, indicating the amount that is paid for traffic control services;
 - b. What support such a business unit, or integrated traffic management skill sets, could provide Council for projects and initiatives that require the services of Traffic Controllers including road repair and renewal, erecting or repairing roadside fences, clearing roadside drains, and maintaining roundabouts and roadside vegetation; and
 - c. Consideration of a fee-for-service function to external agencies or businesses that require Traffic Control services while conducting their business.
2. That a progress report be provided to Council on the findings in May 2025.

FOR: Clr Clancy, Clr Casmiri, Clr Dunn, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Clr White, Clr Kemp, Clr Cox, Clr Wilkins and Clr Proudfoot

CARRIED

CL25.11 Notice of Motion - Code of Meeting Practice - Mobile Phones and Tech Use in the Chambers

HPERM Ref: D25/16637

Recommendation

That Council formally request the Mayor / CEO to instruct staff to include *The Use of Mobile Phones* in the upcoming review of the Code of Meeting Practice. *As part of the Code of Meeting Practice, Councillors refrain from Mobile phone use in the Chamber (they be removed from sight which allows for them in bags / handbags etc for 'emergencies') and that laptops not be used for live communication with non-council related external parties, especially social media platforms whilst in SCC Ordinary meetings.*

RESOLVED (Clr Cox / Clr Proudfoot)

MIN25.10

That Council formally direct the CEO to include *The Use of Mobile Phones* in the upcoming review of the Code of Meeting Practice. *As part of the Code of Meeting Practice, Councillor's refrain from Mobile phone use in the Chamber (they be removed from sight which allows for them in bags / handbags etc for 'emergencies') and that laptops not be used for live communication with non-council related external parties, especially social media platforms whilst in SCC Ordinary meetings.*

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot and Clr Boyd

AGAINST: Clr Tribe, Clr Norris, Clr Johnston and Clr Krikstolaitis

CARRIED

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En block – City Services Directorate

RESOLVED (Clr Proudfoot / Clr Cox) MIN25.11

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

- CL25.13 - Acquisition of Land for Road Widening - part of 220 Moss Vale Road, Badagarang
- CL25.14 - Proposed Road Closure and Sale - Public Road Reserve Adjoining Lot 425 DP 720906 Depot Road, West Nowra
- CL25.15 - Compulsory Acquisition of Council Land - Department of Education - Lot 33 DP 1207847 Holloway Road Nowra

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

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

Call Over of Business Paper - En block – Shoalhaven Water

RESOLVED (Clr Norris / Clr Boyd) MIN25.12

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

- CL25.18 - Classification of Land - Lot 1 DP 1308159 The Wool Road Vincentia

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

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

REPORTS

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

CL25.12 Determination of Date & Time of Council Meetings - February and March 2025

HPERM Ref:
D24/477743

Recommendation

That Council

1. Notes the report providing update on arrangements for the establishment of the Development and Environment Committee and Strategy and Assets Committee.
2. Adopt the following schedule of Ordinary Meeting Dates for the period of February and March 2025 whilst details and arrangements for the Committees are finalised:
 - Tuesday, 11 February 2025
 - Tuesday, 25 February 2025
 - Tuesday, 11 March 2025
 - Tuesday, 25 March 2025

RESOLVED (Clr White / Clr Proudfoot)

MIN25.13

That Council

1. Notes and receives the report providing update on arrangements for the establishment of the Development and Environment Committee and Strategy and Assets Committee.
2. Instruct the CEO to report back in February on the prospect of retaining the current meeting schedule of two Ordinary meetings per month, and consideration of scheduling Clr Briefing times to accommodate Councillors who cannot attend Briefings in the evening.
3. Adopt the following schedule of Ordinary Meeting Dates for the period of February and March 2025 whilst details and arrangements for the Committees are finalised:
 - Tuesday, 18 February 2025
 - Tuesday, 25 February 2025
 - Tuesday, 11 March 2025
 - Tuesday, 25 March 2025

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

CL25.13 Acquisition of Land for Road Widening - part of 220 Moss Vale Road, Badagarang

HPERM Ref:
D24/521151

RESOLVED* (Clr Proudfoot / Clr Cox)

MIN25.14

That Council:

1. Acquire by negotiation under Section 177 of the *Roads Act 1993* the land described as Part Lot 4 DP 268209, shown on Annexure 1 to this report, for road widening purposes and comprising an area of approximately 290m² (subject to final survey and plan of acquisition).
2. Authorise the Chief Executive Officer be delegated with authority to complete negotiations including determining the compensation payable in accordance with the market value range

determined by registered certified valuer.

3. Authorise that in the event an agreement cannot be reached within a reasonable timeframe (being at least a minimum period of six months from opening negotiations) that Council is authorised to proceed via Compulsory Acquisition to acquire the part of Lot 4 DP 268209 shown on Annexure 1 (subject to final survey and plan of acquisition) for road widening purposes by applications to the Minister for Local Government and the Governor under authority contained within Section 177 of the *Roads Act 1993* and pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*.
4. Dedicate the identified area of Part Lot 4 DP 268209 as public road pursuant to section 10 of the *Roads Act 1993* including notice in the Government Gazette.
5. Be responsible for all costs including landowner's reasonable costs such as valuation, survey, plan registration, transfer and legal costs in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
6. 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 to sign any documentation necessary to give effect to this resolution.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

**CL25.14 Proposed Road Closure and Sale - Public Road Reserve
Adjoining Lot 425 DP 720906 Depot Road, West Nowra**

**HPERM Ref:
D24/530462**

RESOLVED* (Clr Proudfoot / Clr Cox)

MIN25.15

That Council:

1. Approve the road closure under section 38D of the *Roads Act 1993* for the unused surplus road reserve adjoining Lot 425 DP 720906, Depot Road, West Nowra, as shown on Figure 1 to this report and subject to final survey, by notice in the NSW Government Gazette.
2. Classifies the closed section of road as operational land following public notice of the proposed classification under the *Local Government Act 1993*.
3. Authorise the sale of the closed road to the registered proprietor of the adjoining land being Lot 425 DP 720906 for the amount of \$425,000 (excluding GST), if applicable, including adjustment to the sale price after final survey and authorise the Chief Executive Officer to complete negotiations including acceptance of offer for purchase based on the final survey.
4. Endorse that the costs incurred with the road closure and sale comprising legal, conveyancing, valuation and survey expenses will be met by the applicant.
5. Direct the net land sale proceeds to the Strategic Property Reserve and be used for the purposes expressed in Section 43 of the *Roads Act 1993*.
6. Require that the lot to be created with formal road closure be consolidated in title with Lot 425 DP 720906.
7. 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 White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

CL25.15 Compulsory Acquisition of Council Land - Department of Education - Lot 33 DP 1207847 Holloway Road Nowra **HPERM Ref: D24/535625**

RESOLVED* (Clr Proudfoot / Clr Cox) MIN25.16

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(iii) of the *Local Government Act 1993* in relation to the compulsory acquisition of Council land known as Lot 33 DP 1207847, Holloway Road, Nowra.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

CL25.16 Proposed Exhibition - Draft Community Participation Plan (CPP) **HPERM Ref: D24/530402**

Recommendation

That Council:

1. Exhibit the draft Community Participation Plan for a minimum of 28 days.
2. Delegate authority to the CEO to finalise and add the Community Participation Plan to Council's *Community Engagement Strategy and Framework 2024* if no or minimal feedback is received in response to the exhibition.
3. Only receive a further report providing the outcomes of the public exhibition if substantial feedback is received in response to the exhibition.
4. Rescind *POL22/8: Community Consultation Policy for Development Applications (including Subdivision)*, following the addition of the Community Participation Plan to Council's Community Engagement Strategy.

RESOLVED (Clr Proudfoot / Clr White) MIN25.17

That Council:

1. Exhibit the draft Community Participation Plan for a minimum of 28 days, with amendment to the title to add the words '*on matters relating to planning and development*' or similar.
2. Delegate authority to the CEO to finalise and add the Community Participation Plan to Council's *Community Engagement Strategy and Framework 2024* if no or minimal feedback is received in response to the exhibition.
3. Only receive a further report providing the outcomes of the public exhibition if substantial feedback is received in response to the exhibition.
4. Rescind *POL22/8: Community Consultation Policy for Development Applications (including Subdivision)*, following the addition of the Community Participation Plan to Council's Community Engagement Strategy.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

CL25.17 South Nowra Employment Precinct - Update and Proposed Interim Development Control Plan

**HPERM Ref:
D24/421891**

Recommendation

That Council:

1. Receive the update on this ongoing matter for information.
2. Endorse the preparation of a draft 'interim' Shoalhaven Development Control Plan 2014 chapter for the zoned and undeveloped part of South Nowra Employment Precinct, that incorporates the relevant outcomes of the preliminary ecological constraints assessment and general high-level guidance on other relevant matters (e.g. information to support development applications), with the work to be undertaken in-house by Council staff (Strategic Planning Section budget).
3. Note that work on the draft interim' Development Control Plan chapter will be undertaken alongside work on the proposed new land use planning scheme and as such this may impact on its timing/priority.
4. Receive a further report to consider the draft 'interim' Development Control Plan chapter prior to public exhibition.
5. Continue to work with relevant NSW Government Agencies on a possible strategic approach to enable development and conservation outcomes in the broader South Nowra Area, including possible Strategic Biodiversity Certification as per the Biodiversity Conservation Act 2016 (NSW).
6. Advise key stakeholders of this resolution, including (not exclusively): affected landowners, the NSW Department of Planning, Housing and Infrastructure and NSW Department of Climate Change, Energy, the Environment and Water.
7. Continue to advocate to the NSW Government regarding:
 - a. Possible NSW Government led approach to complete the planning and deliver the Precinct.
 - b. Strategic approach to enable biodiversity, transport and development outcomes across South Nowra through the planning for the Nowra bypass and South Nowra Employment Precinct.
 - c. Funding and/or support to progress a strategic biodiversity solution (e.g. biodiversity certification).
 - d. Funding to prepare a comprehensive planning package for the Precinct.

RESOLVED (Clr Tribe / Clr Johnston)

MIN25.18

That Council:

1. Receive the update on this ongoing matter for information.
2. Endorse the preparation of a draft 'interim' Shoalhaven Development Control Plan 2014 chapter for the zoned and undeveloped part of South Nowra Employment Precinct, that incorporates the relevant outcomes of the preliminary ecological constraints assessment and general high-level guidance on other relevant matters (e.g. information to support development applications), with the work to be undertaken in-house by Council staff (Strategic Planning Section budget).
3. Note that work on the draft interim' Development Control Plan chapter will be undertaken alongside work on the proposed new land use planning scheme and as such this may impact on its timing/priority.
4. Receive a further report to consider the draft 'interim' Development Control Plan chapter prior to public exhibition.

5. Continue to work with relevant NSW Government Agencies on a possible strategic approach to enable development and conservation outcomes in the broader South Nowra Area, including possible Strategic Biodiversity Certification as per the Biodiversity Conservation Act 2016 (NSW).
6. Advise key stakeholders of this resolution, including (not exclusively): affected landowners, the NSW Department of Planning, Housing and Infrastructure and NSW Department of Climate Change, Energy, the Environment and Water.
7. Continue to advocate to the NSW Government regarding:
 - a. Possible NSW Government led approach to complete the planning and deliver the Precinct.
 - b. Strategic approach to enable biodiversity, transport and development outcomes across South Nowra through the planning for the Nowra bypass and South Nowra Employment Precinct.
 - c. Funding and/or support to progress a strategic biodiversity solution (e.g. biodiversity certification).
 - d. Funding to prepare a comprehensive planning package for the Precinct.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

CL25.18 Classification of Land - Lot 1 DP 1308159 The Wool Road Vincentia

HPERM Ref: D24/541591

RESOLVED* (Clr Norris / Clr Boyd)

MIN25.19

That Council classifies the land being Lot 1 DP 1308159 The Wool Road, Vincentia as operational land, following public notice of the proposed classification under the *Local Government Act 1993*.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

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 White / Clr Casmiri)

MIN25.20

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.

CCL25.1 Compulsory Acquisition of Council Land - Department of Education - Lot 33 DP 1207847 Holloway Road, Nowra

Information that would, if disclosed, reveal a trade secret. 10(A)(2)(d)(iii)

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 White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Nil

CARRIED

The meeting moved into confidential the time being 8:36pm.

The meeting moved into open session, the time being 8:39pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL25.1 Compulsory Acquisition of Council Land - Department of Education - Lot 33 DP 1207847 Holloway Road, Nowra	HPERM Ref: D24/500455
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RESOLVED

MIN25.21C

That Council

1. Agree to the compulsory acquisition by NSW Department of Education of Lot 33 DP 1207847 for the amount in the Financial Implications section of this report in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* by Section 29 Agreement.
2. Endorse that Council's costs incurred with the compulsory acquisition of the land will be met by the acquiring authority as required under the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. 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.

CARRIED

There being no further business, the meeting concluded, the time being 8.41pm.

Clr White
CHAIRPERSON