

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 29 April 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
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 – arrived at 5.53pm, left at 7.37pm
Clr Ben Krikstolaitis

A statement was played 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)

MIN25.188

That the Minutes of the Ordinary Meeting held on Tuesday 15 April 2025 be confirmed.

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: Nil

CARRIED

Minutes Confirmed Tuesday 13 May 2025 – Chairperson

Declaration of Interests

Nil

MAYORAL MINUTE

Nil

DEPUTATIONS AND PRESENTATIONS**CCL25.14 – Proposed Works in Kind Agreement Negotiations - Associated with Subdivision at 70 Hillcrest Avenue, South Nowra (SF10525)**

Mr James Harris (Representing Allen Price) - addressed the meeting in relation to the item.

CL25.122 - Rescission Motion - CL25.114 Sanctuary Point Library - Update Report 3 (Feasibility Study & Cost Estimates)

Mr Matthew Cook – addressed the meeting in relation to the item

NOTICES OF MOTION / QUESTIONS ON NOTICE**CL25.122 Rescission Motion - CL25.114 Sanctuary Point Library - Update Report 3 (Feasibility Study & Cost Estimates)****HPERM Ref:
D25/167666**

Note: A Deputation was received on this item.

Clr Johnston joined the meeting at 5.53pm

Recommendation

That Council rescind the Motion relating to Item CL25.114 Sanctuary Point Library - Update Report 3 (Feasibility Study & Cost Estimates) of the Council Meeting held on Tuesday 15 April 2025.

MOTION (Clr Norris / Clr Krikstolaitis)

That Council rescind the Motion relating to Item CL25.114 Sanctuary Point Library - Update Report 3 (Feasibility Study & Cost Estimates) of the Council Meeting held on Tuesday 15 April 2025.

PROCEDURAL MOTION – MOTION BE PUT (Clr Proudfoot)

That the MOTION be PUT.

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

PROCEDURAL MOTION CARRIED**MOTION (Clr Norris / Clr Krikstolaitis)****MIN25.189**

That Council rescind the Motion relating to Item CL25.114 Sanctuary Point Library - Update Report 3 (Feasibility Study & Cost Estimates) of the Council Meeting held on Tuesday 15 April 2025.

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

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

LOST

**CL25.123 Notice of Motion - CL25.114 Sanctuary Point Library -
Update Report 3 (Feasibility Study & Cost Estimates)**

**HPERM Ref:
D25/167672**

This item was not dealt with as the preceding Rescission Motion was LOST. See MIN25.189

CL25.124 Notice of Motion - Public Toilets - Worrigee

**HPERM Ref:
D25/169473**

Recommendation

Provision for public toilets in selected parks at Worrigee be made in the most appropriate future budget, when Council's finances have recovered sufficiently in order to construct such facilities. Examples of parks with high needs is the park with playground facilities adjacent to Sullivan St and the park with playground facilities on the eastern end of Isa Rd.

RESOLVED (Clr Proudfoot / Clr Cox)

MIN25.190

That provision for public toilets in selected parks at Worrigee be made in the most appropriate future budget, when Council's finances have recovered sufficiently in order to construct such facilities. Examples of parks with high needs is the park with playground facilities adjacent to Sullivan St and the park with playground facilities on the eastern end of Isa Rd.

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

AGAINST: Clr Norris, Clr Boyd and Clr Krikstolaitis

CARRIED

**CL25.125 Notice of Motion - Milton/Ulladulla Bypass - Nowra
Bypass**

**HPERM Ref:
D25/169486**

Recommendation

That staff provide regular up-date reports regarding both design work, funding commitments and potential construction timetables for the Milton-Ulladulla Bypass and the Nowra Bypass.

RESOLVED (Clr Proudfoot / Clr Cox)

MIN25.191

That Council:

1. Staff request the relevant state and federal departments provide regular up-date reports regarding both design work, funding commitments and potential construction timetables for the Milton-Ulladulla Bypass and the Nowra Bypass; and
2. Write to the following:
 - a. Prime Minister The Hon Anthony Albanese MP;
 - b. Premier for NSW – Mr Chris Minns;
 - c. Local State Member – Ms Liza Butler MP,
 - d. State Transport Minister – Mr John Graham,
 - e. Federal Member for Gilmore – Mrs Fiona Phillips MP;
 - f. Federal Transport Minister – The Hon Catherine King MP,

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 THE BUSINESS PAPER

Call Over of Business Paper - En block – City Performance

RESOLVED (Clr Krikstolaitis / Clr White) MIN25.192

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

- CL25.128 - Ongoing Register of Pecuniary Interest Returns - March 2025

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

Call Over of Business Paper - En block – City Services

RESOLVED (Clr Norris / Clr Boyd) MIN25.193

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

- CL25.132 – Sale of Land – Lots 3&4 DP851748 Green Street, Ulladulla
- CL25.133 – Tenders – Design & Construct - Culvert Remediation – Abernethys Creek Bolong Rd Bomaderry
- CL25.134 – Tenders – Culvert Replacement - CH10312 – The Wool Rd, Old Erowal Bay

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 – City Development

RESOLVED (Clr Kemp / Clr Norris) MIN25.194

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

- CL25.135 – Post exhibition report - Planning Proposal for 17 Prince Alfred Street, Berry 49
- CL25.136 – Proposed Draft Chapter N2: Town of Berry - Shoalhaven Development Control Plan (DCP) 2014

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

REPORT OF THE SOUTHERN COASTAL MANAGEMENT PROGRAM ADVISORY COMMITTEE - 24 MARCH 2025

SC25.1 Adoption of the Lake Conjola Coastal Management Program

**HPERM Ref:
D25/82747**

Recommendation

That as recommended by the Committee:

1. The Entrance Management Policy be separated from Coastal Management Program.
2. The Lake Conjola Coastal Management Program (excluding the Entrance Management Policy) be endorsed for submission to Council at a later date.
3. Council advocate to the State Government for funding for the immediate dredging of the southern ebb tide channel.
4. Council re-exhibit the draft Entrance Management Policy along with the draft Review of Environmental Factors.
5. It be noted that Council still uses M2 for monitoring of the lake in combination with MHLFIT.
6. The Total Flood Warning System be budgeted for and delivered in next financial year.

RESOLVED (Clr Kemp / Clr White)

MIN25.195

That as recommended by the Committee:

1. The Entrance Management Policy be separated from Coastal Management Program.
2. The Lake Conjola Coastal Management Program (excluding the Entrance Management Policy) be endorsed for submission to Council
3. Council advocate to the State Government for funding for the immediate dredging of the southern ebb tide channel as a matter of urgency.
4. Council re-exhibit the draft Entrance Management Policy along with the draft Review of Environmental Factors by end of May 2025.
5. It be noted that Council still uses M2 for monitoring of the lake in combination with MHLFIT.
6. The Total Flood Warning System be budgeted for and delivered in next financial year.
7. In relation to the recent pilot channel works carried out on the 21st April at lake Conjola a review/evaluation be undertaken and a report be provided to Council on the following:
 - a. How Council determined and authorised where the pilot channel works were undertaken
 - b. The dimensions and specifications of the first pilot channel given to the machinery operator including the width and depth of the channel
 - c. A copy of the variation and any conditions to Licence Number RN625288 from the State Government to open the lake
 - d. Why the pilot channel was not commenced sooner when lake water level reached 0.8m AHD
 - e. Why the pilot channel was not commenced sooner when approval was received to vary the opening trigger level?
 - f. Given the lake was being monitored and the lake level continued to rise over the following two days to over 1.3 what was the delay in further works being undertaken by the machinery operator as the trigger level for opening had been exceeded (+30% higher) and residents were being informed that Council will commence opening by 1.0m AHD level as per Crown Licence.

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

CL25.127 Draft Community Strategic Plan 2035, Delivery Program Operational Plan and Budget 2025-26 - Public Exhibition

HPERM Ref:
D25/113149

Recommendation

That Council:

1. Endorse the Draft Community Strategic Plan 2035, Draft Delivery Program 2025-29 and 2025/26 Operational Plan, Draft Budget, Draft Fees and Charges with the purpose of placing on public exhibition for a period of 28 days.
2. Maintain the previous 2024/25 rating structure, comprising both base and ad valorem amounts which is a commonly used rating 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 2025 to 30 June 2026 (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 maximum general rates increase for 2025/26 as allowed by the Minister, as per Sections 508A or 506 of the Local Government Act 1993. i.e. either, a permanent 12% special variation or a 3.8% rate-peg (depending on IPART's decision on Council's special variation due in May/June 2025).
6. Receive a report on feedback from the community on the Draft Community Strategic Plan 2035 and Draft Delivery Program Operational Plan and Budget 2025/26.

MOTION (Clr Proudfoot / Clr White)

That Council:

1. Endorse the Draft Community Strategic Plan 2035, Draft Delivery Program 2025-29 and 2025/26 Operational Plan, Draft Budget, Draft Fees and Charges with the purpose of placing on public exhibition for a period of 28 days.
2. Maintain the previous 2024/25 rating structure, comprising both base and ad valorem amounts which is a commonly used rating 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 2025 to 30 June 2026 (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 maximum general rates increase for 2025/26 as allowed by the Minister, as per Sections 508A or 506 of the Local Government Act 1993. i.e. either, a permanent 12% special variation or a 3.8% rate-peg (depending on IPART's decision on Council's special variation due in May/June 2025).
6. Receive a report on feedback from the community on the Draft Community Strategic Plan 2035 and Draft Delivery Program Operational Plan and Budget 2025/26, at an extra ordinary meeting.
7. Staff and the Finance Committee work together to reduce the concerns of the Finance Committee in regard to various aspects of the document.
8. Ensure that for future DPOP and Budget reports be made public.

AMENDMENT (Clr Tribe / Clr Krikstolaitis)

That Council:

1. Endorse the Draft Community Strategic Plan 2035, Draft Delivery Program 2025-29 and 2025/26 Operational Plan, Draft Budget, Draft Fees and Charges with the purpose of placing on public exhibition for a period of 28 days.
2. Maintain the previous 2024/25 rating structure, comprising both base and ad valorem amounts which is a commonly used rating 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 2025 to 30 June 2026 (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 maximum general rates increase for 2025/26 as allowed by the Minister, as per Sections 508A or 506 of the Local Government Act 1993. i.e. either, a permanent 12% special variation or a 3.8% rate-peg (depending on IPART's decision on Council's special variation due in May/June 2025).
6. Receive a report on feedback from the community on the Draft Community Strategic Plan 2035 and Draft Delivery Program Operational Plan and Budget 2025/26, at an extra ordinary meeting.
7. Staff and the Finance Committee work together to reduce the concerns of the Finance Committee in regard to various aspects of the document.
8. Ensure that for future DPOP and Budget reports be made public.
9. Reduce the water availability charge from a 19% increase to a 10% increase

FOR: Clr Tribe, Clr Johnston and Clr Krikstolaitis

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

AMENDMENT LOST

Note: Clr Johnston left the meeting at 7.37pm

RESOLVED (MOTION) (Clr Proudfoot / Clr White)

MIN25.196

That Council:

1. Endorse the Draft Community Strategic Plan 2035, Draft Delivery Program 2025-29 and 2025/26 Operational Plan, Draft Budget, Draft Fees and Charges with the purpose of placing

on public exhibition for a period of 28 days.

2. Maintain the previous 2024/25 rating structure, comprising both base and ad valorem amounts which is a commonly used rating 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 2025 to 30 June 2026 (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 maximum general rates increase for 2025/26 as allowed by the Minister, as per Sections 508A or 506 of the Local Government Act 1993. i.e. either, a permanent 12% special variation or a 3.8% rate-peg (depending on IPART's decision on Council's special variation due in May/June 2025).
6. Receive a report on feedback from the community on the Draft Community Strategic Plan 2035 and Draft Delivery Program Operational Plan and Budget 2025/26, at an extra ordinary meeting.
7. Staff and the Finance Committee work together to reduce the concerns of the Finance Committee in regard to various aspects of the document.
8. Ensure that for future DPOP and Budget reports be made public.

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: Nil

CARRIED

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

CL25.128 Ongoing Register of Pecuniary Interest Returns - March 2025

HPERM Ref: D25/116319

RESOLVED* (Clr Krikstolaitis / Clr White)

MIN25.197

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 March 2025 to 31 March 2025 be received for information.

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

CL25.129 Community Donations Program Policy & Application Form

HPERM Ref: D25/55120

Recommendation

That Council:

1. Reaffirm and adopt the Community Donations Policy with changes as attached to this report (**Attachment 2**).
2. Endorse the Community Donations Application Form (**Attachment 3**).

RESOLVED (Clr Boyd / Clr Norris)

MIN25.198

That Council:

1. Rename the policy to the Community Wellbeing Grants Policy
2. Reaffirm and adopt the Community Wellbeing Grants Policy (formerly Community Donations Policy) with changes as attached to this report (**Attachment 2**), including edits to reflect the changes consequent to 1.
3. Endorse the Application Form noting the name change to be the - Community Wellbeing Grant Application Form (**Attachment 3**).

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: Nil

CARRIED

CL25.130 Investment Report - March 2025**HPERM Ref:**
D25/145916**Recommendation**

That Council receive the Record of Investments for the period to 31 March 2025.

RESOLVED (Clr Proudfoot / Clr White)

MIN25.199

That Council receive the Record of Investments for the period to 31 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 and Clr Krikstolaitis

AGAINST: Nil

CARRIED

CL25.131 Proposed New Licence - Part No.5 Birriley St Bomaderry**HPERM Ref:**
D25/122188**Recommendation**

That Council

1. Enter a five-year licence with Salt Care (ABN 66 625 075 890) over Council community land known as Part No.5 Birriley St Bomaderry (Part Lot 2 DP 568955).
2. Establish commencement licence rental of \$5,094.65 (excluding GST) per annum with annual rent increases in line with the Consumer Price Index (All Groups Sydney).
3. Licensee to be responsible for operating costs of the licensed premises including building insurance, garbage and water & sewerage usage at an estimated cost of \$3,600 (excluding GST) per annum.
4. 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 or delegated officer to sign any documentation necessary to give effect to this resolution.

RESOLVED (Clr Cox / Clr Casmiri)

MIN25.200

That the matter of Proposed New Licence – Part No.5 Birriley Street Bomaderry be deferred to the next meeting to allow for further information in relation to the market report and the determination of the rental amount.

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: Nil

CARRIED

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

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|--|------------------------------|
| CL25.132 Sale of Land - Lots 3&4 DP851748 Green Street, Ulladulla | HPERM Ref: D25/145353 |
|--|------------------------------|

RESOLVED* (Clr Norris / Clr Boyd) MIN25.201

That Council 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 in relation to the proposed land sales properties identified in ([MIN24.179](#)) and ([MIN24.672](#)).

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

| | |
|---|------------------------------|
| CL25.133 Tenders - Design & Construct - Culvert Remediation - Abernethys Creek Bolong Rd Bomaderry | HPERM Ref: D25/140218 |
|---|------------------------------|

RESOLVED* (Clr Norris / Clr Boyd) MIN25.202

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of 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

| | |
|---|------------------------------|
| CL25.134 Tenders - Culvert Replacement - CH10312 - The Wool Rd, Old Erowal Bay | HPERM Ref: D25/113199 |
|---|------------------------------|

RESOLVED* (Clr Norris / Clr Boyd) MIN25.203

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of 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

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

CL25.135 Post exhibition report - Planning Proposal for 17 Prince Alfred Street, Berry

HPERM Ref: D25/135764

RESOLVED* (Clr Kemp / Clr Norris)

MIN25.204

That Council

1. Finalise the PP as exhibited, including the adjustment to local heritage item 88 in Shoalhaven Local Environmental Plan (LEP) 2014 to ensure it as accurately as possible reflects the land's heritage values, even though the approved subdivision (DA23/3181) may not be completed within the PP timeframe.
2. Acknowledge that a further minor adjustment (to item 88) to the LEP may be necessary when the subdivision is completed to ensure the boundaries align and the property description is updated as part of a future housekeeping amendment, or if necessary, via an expedited LEP amendment under Section 3.22 of the Environmental Planning & Assessment Act.

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

CL25.136 Proposed Draft Chapter N2: Town of Berry - Shoalhaven Development Control Plan (DCP) 2014

HPERM Ref: D25/148865

RESOLVED* (Clr Kemp / Clr Norris)

MIN25.205

That Council:

1. Place the draft amendment to Shoalhaven Development Control Plan (DCP) 2014 on public exhibition for at least 28 days as per legislative requirements, concurrently with the heritage Planning Proposal (ideally if possible), comprising the following:
 - a. Draft new Chapter N2: Town of Berry and supporting maps.
 - b. Draft amendment to Shoalhaven DCP 2014 Dictionary.
2. Receive a further report following the conclusion of the public exhibition period to consider the feedback received and any resulting proposed amendments to the draft DCP amendment, prior to finalising it.
3. Advise key stakeholders, including (not exclusively) the Berry Forum, Berry Chamber of Commerce and Tourism, Berry & District Historical Society, Development Industry representatives and relevant landowners, of this resolution and the future public exhibition arrangements.

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

CL25.137 Proposed Works in Kind Agreement - Construction of Road Infrastructure - Cook Street, Callala Bay

HPERM Ref: D25/105710

Recommendation

That Council:

1. Provide 'in-principle' support to finalise negotiations and enter into a WIKA with the owner/developers of Lot 73 DP 836593, 6 Cook Street, Callala Bay, for the construction of road infrastructure, as outlined in this report, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.
2. Delegate authority to Council's Chief Executive Officer, or his delegate, to prepare and enter into the WIKA following final negotiations.
3. Endorse the allocation of the 02ROAD2007 collected funds up to the amount of \$42,927.07 to be reimbursed to the developer upon completion of the road infrastructure, with no payment of surplus value.
4. Notify the owner/developer of this resolution.

RESOLVED (Clr Casmiri / Clr White)

MIN25.206

That Council:

1. Provide 'in-principle' support to finalise negotiations and enter into a WIKA with the owner/developers of Lot 73 DP 836593, 6 Cook Street, Callala Bay, for the construction of road infrastructure, as outlined in this report, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.
2. Delegate authority to Council's Chief Executive Officer, or his delegate, to prepare and enter into the WIKA following final negotiations.
3. Endorse the allocation of the 02ROAD2007 collected funds up to the amount of \$42,927.07 to be reimbursed to the developer upon completion of the road infrastructure, with no payment of surplus value.
4. Notify the owner/developer of this resolution.
5. Staff distribute the WIKA Document to all Councillors once negotiations are finalised.

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: Nil

CARRIED

CL25.138 Opt-Out - Reduced Penalty Amounts - Parking Infringements in the Shoalhaven

HPERM Ref: D25/134996

Recommendation

That Council rescind MIN19.150 and 'opt-out' of the 25% reduced penalty notice charges for overtime carparking, overtime street parking and not stand vehicle within marked space as offered by the State Government in 2019.

RESOLVED (Clr Kemp / Clr Casmiri)

MIN25.207

That Council rescind MIN19.150 and 'opt-out' of the 25% reduced penalty notice charges for overtime carparking, overtime street parking and not stand vehicle within marked space as offered by the State Government in 2019.

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: Nil

CARRIED

**CL25.139 Draft Policy - Shoalhaven City Council Art Collection -
Art Acquisition and Collection Management**

**HPERM Ref:
D25/166805**

Recommendation

That Council:

1. Note the previous resolution (MIN25.119) and that the Arts Advisory Committee has been deferred to a Councillor Briefing for further discussion; and,
2. Adopt the revision of the Shoalhaven City Council Art Collection – Acquisition and Collection Management Policy as an interim response to allow management of collections while the Arts Advisory Committee is being deliberated upon.

RESOLVED (Clr White / Clr Proudfoot)

MIN25.208

That:

1. Council notes that the previous resolution (MIN25.119) and that the Arts Advisory Committee has been deferred to a Councillor Briefing for further discussion; and
2. The Policy be withdrawn, and that in relation to the acquisition and collection of art works the delegation is divested to Acting CEO and Clr Wilkins for interim period until such time the policy is further reviewed and the decision is made on Arts Advisory Committee.

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

AGAINST: Clr Tribe

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 Tribe)

MIN25.209

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.

CCL25.12 Tenders - Design & Construct - Culvert Remediation - Abernethys Creek Bolong Rd Bomaderry

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.

CCL25.13 Tenders - Culvert Replacement - CH10312 - The Wool Rd, Old Erowal Bay
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.

CCL25.14 Proposed Works in Kind Agreement Negotiations - Associated with Subdivision at 70 Hillcrest Avenue, South Nowra (SF10525)

Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 10(A)(2)(g)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.

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: Nil

CARRIED

The meeting moved into confidential the time being 8.18pm.

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.

**CCL25.12 Tenders - Design & Construct - Culvert Remediation -
Abernethys Creek Bolong Rd Bomaderry**

**HPERM Ref:
D25/140224**

RESOLVED

MIN25.210C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Marine & Civil Maintenance Pty Ltd for Tenders - Design & Construct - Culvert Remediation - Abernethys Creek Bolong Rd Bomaderry for a total cost of \$938,163.64 (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 (Director City Services).

CARRIED

CCL25.13 Tenders - Culvert Replacement - CH10312 - The Wool Rd, Old Erowal Bay

HPERM Ref: D25/113138

RESOLVED

MIN25.211C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Fulton Hogan Industries Pty Ltd for Culvert Replacement - Ch10312 - The Wool Rd, Old Erowal Bay for a total cost of \$1,572,334.00 (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 (Director City Services).

CARRIED

CCL25.14 Proposed Works in Kind Agreement Negotiations - Associated with Subdivision at 70 Hillcrest Avenue, South Nowra (SF10525)

HPERM Ref: D25/167863

RESOLVED

MIN25.212C

That Council:

1. Discontinue the Works in Kind Agreement process relating to SF10525.
2. Not pay any compensation to the developer for the road/drainage works that formed part of the previous negotiations.
3. Pay to the developer a land value of \$818,320 for the road land, the payment of which is to be settled via a Voluntary Planning Agreement (VPA), to enable the offset of development contributions relating to 01ROAD3144 relating to SF10525.
4. Endorse the following funding sources for the land value payment of \$818,320:
 - a. Offset the 01ROAD3144 contributions associated with SF10525 (\$634,718.80); then
 - b. Available pooled funds associated with Planning Area 1 road projects (\$183,601.20).
5. Offset the 01DRAI0005 contributions associated with SF10525 (\$267,206) as part of the VPA.
6. If the developer is not agreeable to entering into a VPA based on the terms above, receive a further detailed report on the other options that would facilitate the road land coming into Council ownership:
 - a. General agreement; or
 - b. Compulsory acquisition under the *Land Acquisition (Just Terms Compensation) Act 1991*.
7. When all other requirements of the Development Consent have been satisfied consider any reasonable and practical opportunities, if possible, to enable the final registration of the subdivision while the above matters are progressed/resolved.

CARRIED

There being no further business, the meeting concluded, the time being 8.44pm.

Clr White
CHAIRPERSON