

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 26 May 2026
Location: Studio Room, Shoalhaven Entertainment Centre
Time: 5:30 PM

The following members were present:

Mayor Patricia White - Chairperson
Clr Peter Wilkins
Clr Debbie Killian
Clr Gillian Boyd
Clr Jemma Tribe
Clr Ben Krikstolaitis
Clr Matthew Norris
Clr Karlee Dunn (Remote)
Clr Bob Proudfoot
Clr Luciano Casmiri
Clr Selena Clancy
Clr Brett Steele
Clr Denise Kemp

A statement was played advising those present that the proceedings of this meeting (including presentations 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 Audio-Visual Attendance

A request to attend this meeting via audio-visual link was received from Clr Dunn. The Chief Executive Officer advised that the request is in line with the provision outlined at Part 5 of the Code of Meeting Practice.

RESOLVED (Clr Dunn / Clr Steele)

MIN26.137

That Clr Dunn be granted to attend this meeting via audio-visual link.

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

AGAINST: Nil

CARRIED

Minutes Confirmed Monday 29 June 2026 – Chairperson

Confirmation of the Minutes

RESOLVED (Clr Wilkins / Clr Casmiri) MIN26.138

That the Minutes of the Ordinary Meeting held on Tuesday 28 April 2026 and the Extra Ordinary Meeting held on Thursday 30 April 2026 be confirmed.

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

AGAINST: Nil

CARRIED

Declaration of Interests

The Chief Executive Officer declared a less than significant non-pecuniary interest in Item CL26.96 Notice of Motion - Bay and Basin Sports and Community Hub Project for the reason that he knows Mr Oliver Griffiths, who spoke FOR this item at the Public Forum 19 May 2026, from his time in the Liberal Party and Mr Griffiths was on his campaign team for the 2025 Federal Election. The Chief Executive Officer will remain in the room.

MAYORAL MINUTE

MM26.7 **Mayoral Minute - Condolence Motion - Ballina Shire Council and Marine Rescue NSW Ballina**

HPERM Ref: D26/200555

Recommendation

That Council write to:

- (a) Mayor of Ballina Shire Council, Sharon Cadwallader,
- (b) Marine Rescue Ballina Unit Commander, Peter Hill,
- (c) NSW Marine Rescue Commander, Todd Andrews

To express our deepest condolences on behalf of the City of Shoalhaven following the tragic loss of life on Monday, 4 May 2026, involving Marine Rescue NSW volunteers on the Ballina coastline.

RESOLVED (Mayor White / Clr Steele)

MIN26.139

That Council write to:

- (a) Mayor of Ballina Shire Council, Sharon Cadwallader,
- (b) Marine Rescue Ballina Unit Commander, Peter Hill,
- (c) NSW Marine Rescue Commander, Todd Andrews

To express our deepest condolences on behalf of the City of Shoalhaven following the tragic loss of life on Monday, 4 May 2026, involving Marine Rescue NSW volunteers on the Ballina coastline.

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

AGAINST: Nil

CARRIED

**MM26.8 Mayoral Minute - Ulladulla Physical Culture Club (UPCC)
- Fees - Ulladulla Civic Centre**

**HPERM Ref:
D26/204816**

Recommendation

That Council:

1. Honour the previous rates of hire at the Ulladulla Civic Centre prior to the March 2026 determination for Ulladulla Physical Culture Club and maintain this rate until the 31 December 2026.
2. Request the CEO (Director) to negotiate increases in hire fees over the next three calendar years (i.e.2027/28/29) in October of each year to phase in hire fees increases.
3. Notify the Ulladulla Physical Culture Club of points 1 & 2 above

RESOLVED (Mayor White / Clr Kemp)

MIN26.140

That Council:

1. Honour the previous rates of hire at the Ulladulla Civic Centre prior to the March 2026 determination for Ulladulla Physical Culture Club and maintain this rate until the 31 December 2026.
2. Request the CEO (Director) to negotiate increases in hire fees over the next three calendar years (i.e.2027/28/29) in October of each year to phase in hire fees increases.
3. Notify the Ulladulla Physical Culture Club of points 1 & 2 above

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL26.65 Notice of Motion - Protecting Communities right to
access Community Areas and Protect Our Logging
Workers**

**HPERM Ref:
D26/160865**

Recommendation

That Council write a supporting letter asking for the permanent protection of community access to The Brooman State Forest (North as well as South) as well as committing to the continuity of the current management practice and loggers employment stability by:

1. Acknowledging the great job that has already been done in protection management for not only Big Spotty, but the whole of The Brooman State Forest both North as well as South.
2. Seek further commitment from the NSW State Government to continue working with the community in ensuring employment stability for our community members involved in logging.
3. Assuring the communities rights to enjoy the forests for fee-free day visits and fee-free camping will continue in current areas and at current levels at least.
4. Ask the NSW Forestry Corporation to consider the possibility of funding a 50 metre boardwalk and viewing platform at "Big Spotty" along with signage detailing the significance of "Big Spotty" both ecologically and culturally if they see fit.
5. If at any time in the future the NSW State Government do in fact decide to commit to winding up logging in NSW State Forests including Brooman State Forest the following be undertaken;
 - a. That the current road network within the forests be kept open and maintained along with

- camping on an ongoing and free basis to the public.
- b. Rehabilitation of current community members involved in logging into new employment suited to their skills and appropriate to their residential and individual situations.
 - c. State Forest Corporation pay for restoration of logging over the years by funding point 4 as well as 5A and 5B above.
 - d. That the State Government along with The Forestry Commission will not take steps to or support attempts to restrict public access to these areas by way of the creation of “Flora Reserves” or any other zone title which may result in this area being restricted from public access and vehicular access by the public.
6. That Council utilize its existing planning and policy frameworks to maintain community access to Brooman State Forest (North and South) without incurring additional infrastructure costs by;
 - a. Maintain the current primary production/forestry zoning within the Shoalhaven LEP. Council explicitly refuses to support any rezoning to environmental conservation for these two compartments.
 - b. Investigate the terms of reference for Shoalhaven City Councils DIAP 2026-2030 framework to include a formal policy position that the Shoalhaven City Council opposes the removal of existing vehicle access to natural heritage sites with the outcome reported back to council.
 - c. Requiring that any proposed land tenure change in the Brooman area be subject to a council reviewed “Social-Economic Impact Statement” highlighting the risk to 300-400 of our communities logging families in this region being replaced by unethical high emission timber imports.
 - d. Assess the potential loss of income to any affected primary producers and the impact on them, and take this into account in any future decision-making process.
 7. That Council requests any State Forest or Crown Lands tenure change to be developed in formal partnership with the RFS, ensuring written concurrence that no gates or road closures will impede heavy tanker access, volunteer safety, or the mobility rights of residents.
 8. That Council note the attached letter from Forestry Corporation in relation to the management of Brooman State Forest.

RESOLVED (Clr Steele / Mayor White)

MIN26.141

That Council write a supporting letter asking for the permanent protection of community access to The Brooman State Forest (North as well as South) as well as committing to the continuity of the current management practice and loggers employment stability by:

1. Acknowledging the great job that has already been done in protection management for not only Big Spotty, but the whole of The Brooman State Forest both North as well as South.
2. Seek further commitment from the NSW State Government to continue working with the community in ensuring employment stability for our community members involved in logging.
3. Assuring the communities rights to enjoy the forests for fee-free day visits and fee-free camping will continue in current areas and at current levels at least.
4. Ask the NSW Forestry Corporation to consider the possibility of funding a 50 metre boardwalk and viewing platform at “Big Spotty” along with signage detailing the significance of “Big Spotty” both ecologically and culturally if they see fit.
5. If at any time in the future the NSW State Government do in fact decide to commit to winding up logging in NSW State Forests including Brooman State Forest the following be undertaken;
 - a. That the current road network within the forests be kept open and maintained along with camping on an ongoing and free basis to the public.
 - b. Rehabilitation of current community members involved in logging into new employment

suitied to their skills and appropriate to their residential and individual situations.

- c. State Forest Corporation pay for restoration of logging over the years by funding point 4 as well as 5A and 5B above.
 - d. That the State Government along with The Forestry Commission will not take steps to or support attempts to restrict public access to these areas by way of the creation of “Flora Reserves” or any other zone title which may result in this area being restricted from public access and vehicular access by the public.
6. That Council utilize its existing planning and policy frameworks to maintain community access to Brooman State Forest (North and South) without incurring additional infrastructure costs by;
- a. Maintain the current primary production/forestry zoning within the Shoalhaven LEP. Council explicitly refuses to support any rezoning to environmental conservation for these two compartments.
 - b. Investigate the terms of reference for Shoalhaven City Councils DIAP 2026-2030 framework to include a formal policy position that the Shoalhaven City Council opposes the removal of existing vehicle access to natural heritage sites with the outcome reported back to council.
 - c. Requiring that any proposed land tenure change in the Brooman area be subject to a council reviewed “Social-Economic Impact Statement” highlighting the risk to 300-400 of our communities logging families in this region being replaced by unethical high emission timber imports.
 - d. Assess the potential loss of income to any affected primary producers and the impact on them, and take this into account in any future decision-making process.
7. That Council requests any State Forest or Crown Lands tenure change to be developed in formal partnership with the RFS, ensuring written concurrence that no gates or road closures will impede heavy tanker access, volunteer safety, or the mobility rights of residents.
8. That Council note the attached letter from Forestry Corporation in relation to the management of Brooman State Forest.

FOR: Mayor White, Clr Wilkins, Clr Dunn, Clr Proudfoot, Clr Casmiri, Clr Clancy, Clr Steele and Clr Kemp

AGAINST: Clr Killian, Clr Boyd, Clr Tribe, Clr Krikstolaitis and Clr Norris

CARRIED

CL26.94 Notice of Motion - Enhancing Environmental Management for Fisherman's Paradise and Lake Conjola Village

HPERM Ref: D26/202904

Recommendation

That Council

- 1. Immediately resume water quality testing at the Fisherman's Paradise Boat Ramp (E54) as was done up to 15th June 2023.
- 2. Investigate reasons behind decision to cease surface water sampling and testing at Fisherman's Paradise Boat Ramp and other sites close by, and bring these findings to the Conjola Community Association Inc (CCA) Executive Committee as well as Fisherman's Paradise Community Committee.
- 3. Agree to review findings in collaboration with Conjola Community Association Inc (CCA) Executive Committee as well as Fisherman's Paradise Community Committee.
- 4. Agree to make available Conjola Regional Sewer Scheme (CRSS) Monitoring Reports (Earth 2Water Environmental & Groundwater Consultants) to Conjola Community Association Inc

(CCA) Executive Committee as well as Fisherman's Paradise Community Committee.

5. Agree to adoption of the updated National Health & Medical Research Council Guidelines for Managing Risks in Recreational Water 2008 (NHMRC Guidelines) relying on established thresholds, health and wellbeing benefits therein to reinstate the "Captains Call" becoming an option to exercise at 0.7m AHD and above.
6. Negotiate the Captains Call to 0.7m AHD with Crown Lands to enable the appropriate action to prevent ecological biodiversity impacts (foreshore erosion and sediment loads and water quality thresholds as determined by updated NHMRC Guidelines).

RESOLVED (Clr Steele / Mayor White)

MIN26.142

That Council

1. Immediately resume water quality testing at the Fisherman's Paradise Boat Ramp (E54) as was done up to 15th June 2023.
2. Investigate reasons behind decision to cease surface water sampling and testing at Fisherman's Paradise Boat Ramp and other sites close by, and bring these findings to the Conjola Community Association Inc (CCA) Executive Committee as well as Fisherman's Paradise Community Committee.
3. Agree to review findings in collaboration with Conjola Community Association Inc (CCA) Executive Committee as well as Fisherman's Paradise Community Committee.
4. Agree to make available Conjola Regional Sewer Scheme (CRSS) Monitoring Reports (Earth 2Water Environmental & Groundwater Consultants) to Conjola Community Association Inc (CCA) Executive Committee as well as Fisherman's Paradise Community Committee.
5. Agree to adoption of the updated National Health & Medical Research Council Guidelines for Managing Risks in Recreational Water 2008 (NHMRC Guidelines) relying on established thresholds, health and wellbeing benefits therein to reinstate the "Captains Call" becoming an option to exercise at 0.7m AHD and above.
6. Negotiate the Captains Call to 0.7m AHD with Crown Lands to enable the appropriate action to prevent ecological biodiversity impacts (foreshore erosion and sediment loads and water quality thresholds as determined by updated NHMRC Guidelines).

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

AGAINST: Clr Killian

CARRIED

CL26.95 Notice of Motion - Legal and Consulting costs for determining refused Development Applications

HPERM Ref: D26/179945

Recommendation

That

1. The Chief Executive Officer (CEO) furnish a detailed report on the Legal and Consultants costs in relation to Development Applications being referred to the Land and Environment Court for determination during December 2019 to December 2024.
2. The report include the names of legal firm/s and consultants, stating the costs to SCC for each case as a result of the legal firm and consultants presented defence for SCC.

RESOLVED (Clr Casmiri / Clr Steele)

MIN26.143

That

1. The Chief Executive Officer (CEO) furnish a detailed report on the Legal and Consultants

costs in relation to Development Applications being referred to the Land and Environment Court for determination during December 2019 to December 2024.

2. The report include the names of legal firm/s and consultants, stating the costs to SCC for each case as a result of the legal firm and consultants presented defence for SCC.

FOR: Mayor White, Clr Wilkins, Clr Killian, Clr Boyd, Clr Krikstolaitis, Clr Norris, Clr Dunn, Clr Proudfoot, Clr Casmiri, Clr Clancy, Clr Steele and Clr Kemp

AGAINST: Clr Tribe

CARRIED

CL26.96 Notice of Motion - Bay and Basin Sports and Community Hub Project

HPERM Ref: D26/183454

Recommendation

That Council provides a matching contribution of \$8000 in collaboration with Sanctuary Point Bendigo Bank, towards the initial stage of the Bay and Basin Sports and Community Hub Project, being a community led initiative. Staff can offer their assistance in identifying a possible funding source, which may include recent Shoalhaven Water dividends or even interest from untied investments. This project has widespread community support as well as support from both Bendigo Bank and BCR Communities.

RESOLVED (Clr Proudfoot / Clr Casmiri)

MIN26.144

That Council provides a matching contribution of \$8000 in collaboration with Sanctuary Point Bendigo Bank, towards the initial stage of the Bay and Basin Sports and Community Hub Project, being a community led initiative. Staff can offer their assistance in identifying a possible funding source, which may include recent Shoalhaven Water dividends or even interest from untied investments. This project has widespread community support as well as support from both Bendigo Bank and BCR Communities.

FOR: Mayor White, Clr Wilkins, Clr Proudfoot, Clr Casmiri, Clr Clancy, Clr Steele and Clr Kemp

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

CARRIED

Clr Kemp raised a Point of Order regarding the use of devices during the meeting. The Mayor reminded Councillors that any use of devices to communicate externally during proceedings may result in action under the Code of Conduct.

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - Without Debate

RESOLVED (Clr Norris / Clr Boyd)

MIN26.145

That the following items be resolved without debate:

1. CL26.104 Proposed Road Closure and Dedication of Land as Public Road - Cumberland Avenue, South Nowra
2. CL26.105 Acquisition of Abernethy's Creek Drain - Lot 11 Sec 1 DP 3885, Bomaderry
3. CL26.108 Tenders - Linen Hire, Supply & Laundering to Holiday Haven Parks
4. CL26.109 Affordable Housing Strategy Implementation: Intended Exhibition - draft Affordable Housing Principles
5. CL26.110 Finalisation - Shoalhaven Development Contributions Plan 2026

6. CL26.113 New Land Use Planning Scheme - First Planning Proposal (Housekeeping - PP082) - Shoalhaven LEP 2014 Update
7. CL26.114 Policy review - Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates & Charges (POL22/41)
8. CL26.117 Grant of Easements for Padmount Substation and Underground Cables and Create a Restriction on the Use of Land - Part Lot 1 DP 1063393

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

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

AGAINST: Nil

CARRIED

REPORT OF THE FINANCE AND INFRASTRUCTURE REVIEW PANEL - 11 MAY 2026

Note: Clr Proudfoot asked that Council acknowledge the comments in the minutes of the Finance & Infrastructure Review Panel 11 May 2026 in regard to Land Sales.

FR26.5	Inflation and Fuel Costs for the Year ended 30 June 2027	HPERM D26/182644	Ref:
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Recommendation

That, due to impact of fuel costs, Councils consolidated budget be increased as follows:

1. Fuel Costs in the FY2026/27 budget by \$1.8M to \$6,292,394
2. Materials and Contracts in FY2026/27 budget by \$1,997,393

RESOLVED (Clr Tribe / Clr Wilkins)

MIN26.146

That, due to impact of fuel costs, Councils consolidated budget be increased as follows:

1. Fuel Costs in the FY2026/27 budget by \$1.8M to \$6,292,394
2. Materials and Contracts in FY2026/27 budget by \$1,997,393

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

AGAINST: Nil

CARRIED

FR26.8	Additional Item - Debt/Grants/Cash modelling for Sewer and Water projects over the next 5 years
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Recommendation

That the Finance & Infrastructure Review Panel recommend Council requests the CEO to:

1. Prepare an updated Shoalhaven Water Pricing Strategy that gives an estimated annual charge and usage charge for the next 5 year period.
2. Include the latest estimated capital works program for both Water & Sewer Funds into an updated 20 Year Financial Plan for both Water & Sewer Funds.
3. Prepare funding options to finance the major capital works as part of the updated plans.
4. Ensure that funding options include a mixture of revenue & loan sources in an attempt to

“smooth out” any significant pricing increases and to ensure that significant capital costs are amortised over the life of the works.

5. Ensure that the financial models incorporate the impact that any potential grant funding may have on pricing as an option.
6. Set a target date of September 2026 for the financial models to be considered by Council.

RESOLVED (Clr Tribe / Clr Killian)

MIN26.147

That Council, as recommended by the Finance & Infrastructure Review Panel, requests the CEO to:

1. Prepare an updated Shoalhaven Water Pricing Strategy that gives an estimated annual charge and usage charge for the next 5 year period.
2. Include the latest estimated capital works program for both Water & Sewer Funds into an updated 20 Year Financial Plan for both Water & Sewer Funds.
3. Prepare funding options to finance the major capital works as part of the updated plans.
4. Ensure that funding options include a mixture of revenue & loan sources in an attempt to “smooth out” any significant pricing increases and to ensure that significant capital costs are amortised over the life of the works.
5. Ensure that the financial models incorporate the impact that any potential grant funding may have on pricing as an option.
6. Set a target date of September 2026 for the financial models to be considered by Council.

FOR: Mayor White, Clr Wilkins, Clr Killian, Clr Boyd, Clr Tribe, Clr Krikstolaitis, Clr Dunn, Clr Proudfoot, Clr Casmiri, Clr Clancy, Clr Steele and Clr Kemp

AGAINST: Clr Norris

CARRIED

FR26.9 Additional Item - Paid Parking - Mollymook, Huskisson, Hyams Beach & Berry

Recommendation

That the Finance & Infrastructure Review Panel recommend Council requests the CEO to:

1. Immediately update the 24 March 2020 Report (SA20.37) which recommended paid parking to the then Strategy and Assets Committee.
2. Include Mollymook Beach Car Park, Huskisson Car Parks, Hyams Beach on street parking and Boongaree Park Car Park Berry in the report.
3. Submit the revised report to Council in July 2026 to consider introducing paid parking commencing in December 2026 for non-residents of the Shoalhaven.
4. Benchmark the report against Blue Mountains Council, which in 2024/25 collected more than \$3M from tourists.

AMENDMENT (Clr Tribe)

That Council, as recommended by the Finance & Infrastructure Review Panel, requests the CEO to:

1. Immediately update the 24 March 2020 Report (SA20.37) which recommended paid parking to the then Strategy and Assets Committee.
2. Include Hyams Beach on street parking in the report.
3. Submit a preliminary report to Council in August 2026 to consider introducing paid parking commencing in December 2026 for non-residents of the Shoalhaven.

4. Benchmark the report against Blue Mountains Council, which in 2024/25 collected more than \$3M from tourists.

LAPSED due to lack of a seconder.

RESOLVED (Clr Proudfoot / Clr Wilkins)

MIN26.148

That Council, as recommended by the Finance & Infrastructure Review Panel, requests the CEO to:

1. Immediately update the 24 March 2020 Report (SA20.37) which recommended paid parking to the then Strategy and Assets Committee.
2. Include Mollymook Beach Car Park, Huskisson Car Parks, Hyams Beach on street parking and Boongaree Park Car Park Berry in the report.
3. Submit a preliminary report to Council in August 2026 to consider introducing paid parking for non-residents of the Shoalhaven. The preliminary report to include:
 - a. New innovations in paid parking and best practice for the new innovations
 - b. A thorough assessment of traffic movement and volumes
 - c. Benchmarking of the cost of implementation of the paid parking
4. Benchmark the report against Blue Mountains Council, which in 2024/25 collected more than \$3M from tourist, and other comparable local Government Areas with paid parking schemes.

FOR: Mayor White, Clr Wilkins, Clr Killian, Clr Boyd, Clr Krikstolaitis, Clr Norris, Clr Dunn, Clr Proudfoot, Clr Casmiri, Clr Clancy, Clr Steele and Clr Kemp

AGAINST: Nil

CARRIED

Procedural Motion - Move into Committee of the Whole

RESOLVED (Clr Tribe / Clr Boyd)

MIN26.149

That Council move into the Committee of the Whole for a period of 15 minutes to discuss item CL26.100 - Proposed Accredited Community Forums Model of Engagement.

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

AGAINST: Nil

CARRIED

A COMMITTEE OF THE WHOLE

The meeting moved into the Committee of the Whole, the time being 7:47pm. No recommendations or resolutions were made.

Procedural Motion - Resumption of Meeting

RESOLVED (Clr Proudfoot / Clr Clancy)

MIN26.150

That the Ordinary Meeting resume Standing Orders.

FOR: Mayor White, Clr Wilkins, Clr Krikstolaitis, Clr Norris, Clr Dunn, Clr Proudfoot, Clr Casmiri, Clr Clancy, Clr Steele and Clr Kemp

AGAINST: Clr Tribe, Clr Killian and Clr Boyd

CARRIED

The Ordinary Meeting resumed Standing Orders, the time being 8:07pm.

The following members were present:

Mayor Patricia White - Chairperson
Clr Peter Wilkins
Clr Debbie Killian
Clr Gillian Boyd
Clr Jemma Tribe
Clr Ben Krikstolaitis
Clr Matthew Norris
Clr Karlee Dunn (Remote)
Clr Bob Proudfoot
Clr Luciano Casmiri
Clr Selena Clancy
Clr Brett Steele
Clr Denise Kemp

REPORTS

CL26.100 Proposed Accredited Community Forums Model of Engagement

**HPERM Ref:
D26/200448**

Recommendation

That Council:

1. Adopt the Accredited Community Forums (ACF) Policy and Operating Model to replace the existing Community Consultative Bodies (CCBs) from 1 July 2026.
2. Endorse the transition pathway for existing CCBs, including automatic ACF accreditation for the initial year, only.
3. Provide the remaining CCBs that have not yet achieved incorporation status with a grace period until 1 October 2026 to become incorporated.
4. Abolish the existing Community Consultative Body Guidelines (POL23/44) on 30 June 2026.

MOTION (Clr Boyd / Clr Tribe)

That Council:

1. Adopt the Accredited Community Forums (ACF) Policy and Operating Model to replace the existing Community Consultative Bodies (CCBs) from 1 July 2026, with the following changes:
 - a. In section 3, second dot point, replace current wording with:

“ACFs must maintain party political neutrality, and as an organisation, must not participate in party-political campaigning, endorsement, fundraising, or association with political parties or candidates in any aspect of their operations. Members of ACFs are not precluded from party political activities as private citizens and must not portray themselves as representatives of the ACF whilst undertaking those activities.”
 - b. In Section 7 The CEO be responsible for the accreditation process in conjunction with Governance.
 - c. In section 10.1, increase annual grant up to \$1000.
 - d. In section 11.1 last sentence to:

“Accreditation may be withdrawn permanently following a third substantiated complaint by

CEO and Governance.”

e. Also, in section 11.1 amend to:

“Upon receipt of a second substantiated complaint, the CEO will issue a suspension notice for the remainder of the financial year.”

f. In section 12, Suspension and Withdrawal of Accreditation

i. Accreditation may be suspended or withdrawn where a forum:

- engages in conduct that causes psychological harm to Council elected officials or staff
- becomes noncompliant with incorporation requirements and is found by Fair Trading to be non-compliant with terms of Associations Incorporations Act 2009
- engages in political activity or breaches party-political neutrality.

g. Number the Annual Compliance Checklist as section 14.

h. In section 14, delete the final dot-point and replace with, *Maintains party-political neutrality.*

i. Add new section 15: This ACF Operating and Policy model must be reviewed by 30 May 2028 in consultation with ACFs.

2. Endorse the transition pathway for existing CCBs, including automatic ACF accreditation for the initial year, only.

3. Provide the remaining CCBs that have not yet achieved incorporation status with a grace period until 1 October 2026 to become incorporated.

4. Abolish the existing Community Consultative Body Guidelines (POL23/44) on 30 June 2026.

AMENDMENT (Clr Proudfoot / Mayor White)

That Council:

1. Adopt the Accredited Community Forums (ACF) Policy and Operating Model to replace the existing Community Consultative Bodies (CCBs) from 1 July 2026, With the following changes:

a. In section 3, second dot point, replace current wording with:

“ACFs must maintain party political neutrality, and as an organisation, must not participate in party-political campaigning, endorsement, fundraising, or association with political parties or candidates in any aspect of their operations. Members of ACFs are not precluded from party political activities as private citizens and must not portray themselves as representatives of the ACF whilst undertaking those activities.”

b. In Section 7 The CEO be responsible for the accreditation process in conjunction with Governance.

c. In section 10.1, increase annual grant up to \$1000.

d. In section 11.1 last sentence to:

“Accreditation may be withdrawn permanently following a third substantiated complaint by CEO and Governance.”

e. Also, in section 11.1 amend to:

“Upon receipt of a second substantiated complaint, the CEO will issue a suspension notice for the remainder of the financial year.”

f. In section 12, Suspension and Withdrawal of Accreditation

ii. Accreditation may be suspended or withdrawn where a forum:

- engages in conduct that causes psychological harm to Council elected officials or

staff

- becomes noncompliant with incorporation requirements and is found by Fair Trading to be non-compliant with terms of Associations Incorporations Act 2009
- engages in political activity or breaches party-political neutrality.

g. Number the Annual Compliance Checklist as section 14.

h. In section 14, delete the final dot-point and replace with, *Maintains party-political neutrality.*

i. =Add new section 15: This ACF Operating and Policy model must be reviewed by 30 May 2028 in consultation with ACFs.

j. Remove the requirement to invite all Councillors from the Annual Compliance Checklist.

2. Endorse the transition pathway for existing CCBs, including automatic ACF accreditation for the initial year, only.

3. Provide the remaining CCBs that have not yet achieved incorporation status with a grace period until 1 October 2026 to become incorporated.

4. Abolish the existing Community Consultative Body Guidelines (POL23/44) on 30 June 2026

FOR: Mayor White, Clr Wilkins, Clr Proudfoot, Clr Casmiri, Clr Steele and Clr Kemp

AGAINST: Clr Killian, Clr Boyd, Clr Tribe, Clr Krikstolaitis, Clr Norris, Clr Dunn and Clr Clancy

LOST

RESOLVED (Clr Boyd / Clr Tribe)

MIN26.151

That Council:

1. Adopt the Accredited Community Forums (ACF) Policy and Operating Model to replace the existing Community Consultative Bodies (CCBs) from 1 July 2026, With the following changes:

a. In section 3, second dot point, replace current wording with:

“ACFs must maintain party political neutrality, and as an organisation, must not participate in party-political campaigning, endorsement, fundraising, or association with political parties or candidates in any aspect of their operations. Members of ACFs are not precluded from party political activities as private citizens and must not portray themselves as representatives of the ACF whilst undertaking those activities.”

b. In Section 7 The CEO be responsible for the accreditation process in conjunction with Governance.

c. In section 10.1, increase annual grant up to \$1000.

d. In section 11.1 last sentence to:

“Accreditation may be withdrawn permanently following a third substantiated complaint by CEO and Governance.”

e. Also, in section 11.1 amend to:

“Upon receipt of a second substantiated complaint, the CEO will issue a suspension notice for the remainder of the financial year.”

f. In section 12, Suspension and Withdrawal of Accreditation

iii. Accreditation may be suspended or withdrawn where a forum:

- engages in conduct that causes psychological harm to Council elected officials or staff
- becomes noncompliant with incorporation requirements and is found by Fair Trading

to be non-compliant with terms of Associations Incorporations Act 2009

- engages in political activity or breaches party-political neutrality.

g. Number the Annual Compliance Checklist as section 14.

h. In section 14, delete the final dot-point and replace with, *Maintains party-political neutrality*.

i. Add new section 15: This ACF Operating and Policy model must be reviewed by 30 May 2028 in consultation with ACFs.

2. Endorse the transition pathway for existing CCBs, including automatic ACF accreditation for the initial year, only.
3. Provide the remaining CCBs that have not yet achieved incorporation status with a grace period until 1 October 2026 to become incorporated.
4. Abolish the existing Community Consultative Body Guidelines (POL23/44) on 30 June 2026.

FOR: Mayor White, Clr Wilkins, Clr Killian, Clr Boyd, Clr Tribe, Clr Krikstolaitis, Clr Norris, Clr Dunn, Clr Casmiri, Clr Clancy and Clr Steele

AGAINST: Clr Proudfoot and Clr Kemp

CARRIED

**CL26.101 DPOP 2025/26 Quarterly Performance Budget Report
(January - March)**

**HPERM Ref:
D26/182710**

Recommendation

That Council:

1. Receive the March Quarterly Performance Report on the 2025-2029 Delivery Program and 2025-26 Operational Plan and publish on Council's website.
2. Receive the March 2026 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the March 2026 Quarterly Budget Report Document.
4. Pay \$750,127.37 in additional loan repayments from unspent loan borrowings prior to 30 June 2026 for the Ulladulla Skate Park project, which has been suspended (loan 1240).
5. Receive the Uncompleted and Completed Notices of Motion/Mayoral Minutes Reports.

RESOLVED (Clr Proudfoot / Mayor White)

MIN26.152

That Council:

1. Receive the March Quarterly Performance Report on the 2025-2029 Delivery Program and 2025-26 Operational Plan and publish on Council's website.
2. Receive the March 2026 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the March 2026 Quarterly Budget Report Document.
4. Pay \$750,127.37 in additional loan repayments from unspent loan borrowings prior to 30 June 2026 for the Ulladulla Skate Park project, which has been suspended (loan 1240).
5. Receive the Uncompleted and Completed Notices of Motion/Mayoral Minutes Reports.

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

AGAINST: Nil

CARRIED

Note: Clr Proudfoot noted that the Francis Ryan Clubhouse should be removed from being listed as a major project (see page 32 of the Agenda).

Procedural Motion – Extension of Meeting

RESOLVED (Clr Wilkins / Clr Killian) MIN26.153

That the meeting be extended to 10:00pm.

FOR: Mayor White, Clr Wilkins, Clr Killian, Clr Boyd, Clr Tribe, Clr Krikstolaitis, Clr Dunn, Clr Proudfoot, Clr Casmiri, Clr Steele and Clr Kemp

AGAINST: Clr Norris and Clr Clancy

CARRIED

CL26.102 Investment Report - April 2026 **HPERM Ref: D26/182093**

Recommendation

That Council receive the Record of Investments for the period ending 30 April 2026

RESOLVED (Clr Proudfoot / Clr Wilkins) MIN26.154

That Council receive the Record of Investments for the period ending 30 April 2026.

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

AGAINST: Nil

CARRIED

CL26.103 Bad Debts Write-off - Accounts Receivable **HPERM Ref: D26/181379**

Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

RESOLVED (Mayor White / Clr Steele) MIN26.155

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

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

AGAINST: Nil

CARRIED

Items marked with an * were resolved without debate.

CL26.104 Proposed Road Closure and Dedication of Land as Public Road - Cumberland Avenue, South Nowra **HPERM Ref: D26/121591**

RESOLVED* (Clr Norris / Clr Boyd) MIN26.156

That Council:

1. Commence the road closure process under section 38A of the *Roads Act 1993* for the unused surplus road reserve located adjacent to Lot 108 DP 1305372 shown as Lot 2 on Figure 1 of this report.
2. Authorise the Chief Executive Officer that if no submissions are received following the statutory advertising process under section 38B of the *Roads Act 1993*, including any resolved requirements of notifiable authorities, that the road closure be approved by notice in the Government Gazette under section 38D of the *Roads Act 1993*.
3. Classify the closed section of road reserve at Cumberland Avenue shown as Lot 2 on Figure 1 of this report as Operational land with gazettal, following public notice of the proposed classification under the *Local Government Act 1993*.
4. Dedicate Lot 3 shown on Figure 1 of this report as public road under the *Roads Act 1993*, subject to existing easements and registration with NSW Land Registry Services.
5. Following completion of the road closure process, endorse the consolidation of the closed road reserve (Lot 2 on Figure 1) with adjoining Lot 108 DP 1305372 to form a single allotment.
6. Authorise the Chief Executive Officer or Delegate with authority to enter negotiations including acceptance of offer for purchase of the closed road in accordance with the amount assessed by independent certified valuer including adjustment to sale price of Lot 108 DP 1305372, subject to final survey.
7. Endorse that the costs incurred with the road closure process be funded through the proceeds from land sale of Lot 158 DP 1305372.
8. Delegate authority to the Chief Executive Officer or Delegate to sign any documentation necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

CL26.105 Acquisition of Abernethy's Creek Drain - Lot 11 Sec 1 DP 3885, Bomaderry

HPERM Ref: D26/160879

RESOLVED* (Clr Norris / Clr Boyd)

MIN26.157

That Council:

1. Acquire by agreement under the *Land Acquisition (Just Terms Compensation) Act 1991* the land described as Lot 11 Sec 1 DP 3885 Bomaderry for the purpose of a Drainage Reserve.
2. Accept the offer of Perpetual Trustee Company Limited of zero compensation payable to acquire the land, and Council pay all reasonable costs associated with the acquisition in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. Delegate authority to the Chief Executive Officer or Delegate to make minor adjustments to the compensation figure (disturbance costs), if necessary, in accordance with consultation with Council's solicitor.
4. Classify Lot 11 Sec 1 DP 3885 as Operational land following public notice as required under the *Local Government Act 1993*.
5. 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 Delegate to sign any documentation necessary to give effect to this resolution.

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

AGAINST: Nil
CARRIED

CL26.106 Amendment to MIN22.131 - 100 St Vincent Street Ulladulla - Lease to Safe Waters Community Care Inc. **HPERM Ref: D26/171562**

Recommendation

That Council amend MIN22.131 as follows:

1. Agree to the use and occupation of Lot 1 DP 610880, 100 St Vincent Street Ulladulla by the Safe Waters Community Care Inc. (SWCC) under lease agreement.

RESOLVED (Clr Killian / Mayor White) MIN26.158

That Council amend MIN22.131 as follows:

1. Agree to the use and occupation of Lot 1 DP 610880, 100 St Vincent Street Ulladulla by the Safe Waters Community Care Inc. (SWCC) under lease agreement.

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

AGAINST: Nil
CARRIED

CL26.107 Culburra Beach - Roads & Road Reserves **HPERM Ref: D26/192759**

Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(g) of the *Local Government Act 1993* in relation to the transfer and/or dedication to Council of roads and road reserves in Culburra Beach.

RESOLVED (Clr Wilkins / Mayor White) MIN26.159

That Council consider a separate confidential report in accordance with Section 10A(2)(g) of the *Local Government Act 1993* in relation to the transfer and/or dedication to Council of roads and road reserves in Culburra Beach.

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

AGAINST: Nil
CARRIED

CL26.108 Tenders - Linen Hire, Supply & Laundering to Holiday Haven Parks **HPERM Ref: D26/168079**

RESOLVED* (Clr Norris / Clr Boyd) MIN26.160

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the *Local Government Act 1993*.

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

AGAINST: Nil
CARRIED

CL26.109 Affordable Housing Strategy Implementation: Intended Exhibition - draft Affordable Housing Principles

HPERM Ref: D26/171765

RESOLVED* (Clr Norris / Clr Boyd)

MIN26.161

That Council:

1. Endorse the draft Affordable Housing Principles (**Attachment 1**) for public exhibition.
2. Adopt the Affordable Housing Principles post exhibition and embed them in Council's Local Strategic Planning Statement, if the number of submissions or matters raised in any community and stakeholder feedback received is not considered significant.
3. Delegate responsibility to the CEO to make minor adjustments to the draft Affordable Housing Principles to address community and stakeholder feedback prior to their inclusion in the Local Strategic Planning Statement.

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

AGAINST: Nil

CARRIED

CL26.110 Finalisation - Shoalhaven Development Contributions Plan 2026

HPERM Ref: D26/57108

RESOLVED* (Clr Norris / Clr Boyd)

MIN26.162

That Council:

1. Adopt the following exhibited documents and progress to finalisation:
 - a. Shoalhaven Contributions Plan 2026, with the adjustments recommended at Attachment 1 and 2.
 - b. Voluntary Planning Agreement Policy.
 - c. Works in Kind Agreement Policy.
 - d. Chapter G21: Car Parking and Traffic of Shoalhaven Development Control Plan 2014 (Amendment 60).
2. Publish a public notice advising that the adjusted documents in Part 1 will commence on 1 July 2026, repealing:
 - a. Shoalhaven Contributions Plan 2019.
 - b. Voluntary Planning Agreement Policy (POL25/71).
 - c. Works in Kind Agreement Policy (POL25/70).
 - d. Chapter G21: Car Parking and Traffic of Shoalhaven Development Control Plan 2014 (Version 6 that commenced on 28 February 2024).
3. As part of the current Strategic Land Use Planning Program, commence amendments to Shoalhaven LEP 2014 and Shoalhaven DCP 2014 to align planning instruments with projects defined in the Shoalhaven Contributions Plan 2026 to support future delivery.
4. Advise key stakeholders, relevant landowners and submitters of this resolution.

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

AGAINST: Nil

CARRIED

**CL26.111 Preparation of Local Infrastructure Contributions Plan
for Moss Vale Road North Urban Release Area**

**HPERM Ref:
D26/87162**

Recommendation

That Council:

1. Endorse the public exhibition of a draft Moss Vale Road North Urban Release Area Local Infrastructure Development Contributions Plan presented as **Attachment 1** of this report.
2. Note the draft Local Infrastructure Development Contributions Plan's costs exceeds the contributions threshold set by NSW Government (\$30,000).
3. Apply to the Independent Pricing and Regulatory Tribunal (IPART) to independently assess the draft Moss Vale Road North Urban Release Area Local Infrastructure Development Contributions Plan following public exhibition, subject to the scale and scope of submissions received in response to the exhibition of the draft Plan.
4. Note that a further report will be brought forward following the conclusion of the exhibition of the draft Plan and/or on receipt of IPART's assessment report.

MOTION (Clr Casmiri / Clr Kemp)

That Council:

1. Endorse the public Exhibition of a draft Moss Vale Road North Urban Release Area Local Infrastructure Development Contributions Plan, subject to the Chief Executive Officer reviewing the draft Plan presented as Attachment 1 of this report prior to exhibition to address and resolve the technical concerns raised by the MVRN Owners Group.
2. Note the draft Local Infrastructure Development Contributions Plan's costs exceeds the contributions threshold set by NSW Government (\$30,000).
3. Apply to the Independent Pricing and Regulatory Tribunal (IPART) to independently assess the draft Moss Vale Road North Urban Release Area Local Infrastructure Development Contributions Plan following public exhibition, subject to the scale and scope of submissions received in response to the exhibition of the draft Plan.
4. Direct that the findings of the public exhibition be reported back to Council concurrently with the IPART application to ensure timely community feedback, with a final report to follow on receipt of IPART's assessment.
5. Delegate authority to the Chief Executive Officer to execute Voluntary Planning Agreements (VPAs) for undetermined development applications, incorporating a 'top-up or refund' mechanism to mitigate delays to housing delivery while the Contributions Plan is finalised.

Reason Planning Decision not in accordance with staff recommendation:

Council has not adopted the recommendation of staff based on information provided to Councillors, through deputations, that the DCP needs to be reassessed before going back out to public exhibition.

FOR: Mayor White, Clr Wilkins, Clr Proudfoot, Clr Casmiri and Clr Kemp

AGAINST: Clr Killian, Clr Boyd, Clr Tribe, Clr Krikstolaitis, Clr Norris, Clr Dunn, Clr Clancy and Clr Steele

LOST

RESOLVED (FORESHADOWED MOTION) (Clr Tribe / Clr Norris)

MIN26.163

That Council:

1. Endorse the public exhibition of a draft Moss Vale Road North Urban Release Area Local Infrastructure Development Contributions Plan presented as **Attachment 1** of this report.
2. Note the draft Local Infrastructure Development Contributions Plan's costs exceeds the

contributions threshold set by NSW Government (\$30,000).

3. Apply to the Independent Pricing and Regulatory Tribunal (IPART) to independently assess the draft Moss Vale Road North Urban Release Area Local Infrastructure Development Contributions Plan following public exhibition, subject to the scale and scope of submissions received in response to the exhibition of the draft Plan.
4. Note that a further report will be brought forward following the conclusion of the exhibition of the draft Plan and/or on receipt of IPART's assessment report.

FOR: Clr Killian, Clr Boyd, Clr Tribe, Clr Krikstolaitis, Clr Norris, Clr Dunn, Clr Proudfoot, Clr Clancy and Clr Steele

AGAINST: Mayor White, Clr Wilkins, Clr Casmiri and Clr Kemp

CARRIED

CL26.112 Review Resolution CL26.39 - Car Parking and Landscaping Controls for Medium Density – Proposed Amendment to the Shoalhaven Development Control Plan 2014

**HPERM Ref:
D26/144693**

Recommendation

That Council

1. Not proceed with MIN26.63 as resolved on 4 March 2026.
2. Consider appropriate amendments to Chapter G13: Medium Density and Other Residential Development, Chapter G21: Car Parking and Traffic, and other relevant chapters of Shoalhaven Development Control Plan (DCP) 2014, based on the intent of MIN26.63, as part of the resolved overall work on the new Land Use Planning Scheme broader (future DCP improvements).
3. Receive a further report at the appropriate point to consider the draft amendments prior to any formal public exhibition.

RESOLVED (Clr Casmiri / Clr Steele)

MIN26.164

That Council:

1. Receive CL26.112 for information only.
2. Implement recommendation as per MIN26.63 excluding point 4

Reason decision not in accordance with staff recommendation:

Council has not adopted the recommendation of staff as the report does not address the intent of the motion that was previously resolved.

FOR: Mayor White, Clr Wilkins, Clr Proudfoot, Clr Casmiri, Clr Clancy, Clr Steele and Clr Kemp

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

CARRIED

CL26.113 New Land Use Planning Scheme - First Planning Proposal (Housekeeping - PP082) - Shoalhaven LEP 2014 Update

**HPERM Ref:
D26/159862**

RESOLVED* (Clr Norris / Clr Boyd)

MIN26.165

That Council:

1. Endorse the progression of Planning Proposal PP082 (**Attachment 1**) for submission to the

NSW Department of Planning, Housing and Infrastructure for an initial Gateway determination and, if favourable:

- a. Proceed to formal public exhibition in accordance with the terms of the determination/legislative requirements; and
- b. Receive a further report following conclusion of the public exhibition to enable its finalisation.

2. Advise key stakeholders and interested parties of the public exhibition arrangements.

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

AGAINST: Nil

CARRIED

CL26.114 Policy review - Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates & Charges (POL22/41)

HPERM Ref: D26/163485

RESOLVED* (Clr Norris / Clr Boyd)

MIN26.166

That Council reaffirm the attached Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates & Charges policy as adjusted/updated.

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

AGAINST: Nil

CARRIED

Procedural Motion - Bring Item Forward & Confidential Session

RESOLVED (Clr Kemp / Clr Steele)

MIN26.167

That

1. The matter of item CL26.118 Exemption from Tendering - Shoalhaven Materials Recovery Facility Processing Capacity be brought forward for consideration.
2. Following consideration of CL26.118, Council move into confidential session and consider the remaining items following confidential session.

FOR: Mayor White, Clr Wilkins, Clr Killian, Clr Boyd, Clr Krikstolaitis, Clr Norris, Clr Dunn, Clr Proudfoot, Clr Casmiri, Clr Clancy, Clr Steele and Clr Kemp

AGAINST: Clr Tribe

CARRIED

Note: The resolutions from confidential session will be read out following the close of the meeting.

CL26.118 Exemption from Tendering - Shoalhaven Materials Recovery Facility Processing Capacity

HPERM Ref: D26/195981

Recommendation

That Council approves an exemption from tendering in accordance with Section 55(3)(i) of the Local Government Act 1993, to enter negotiations and contract for the processing of material from external parties at the Shoalhaven Materials Recovery Facility (MRF).

RESOLVED (Mayor White / Clr Tribe)

MIN26.168

That Council:

1. Approves an exemption from tendering in accordance with Section 55(3)(i) of the Local Government Act 1993,
2. Authorises staff to enter negotiations and prepare contracts for the processing of material from external parties at the Shoalhaven Materials Recovery Facility (MRF), and
3. Approves the Chief Executive Officer (Director Shoalhaven Water) to sign any agreements necessary to give effect to this resolution.

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

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 Wilkins / Clr Norris)

MIN26.169

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.

CCL26.11 Bad Debts Write off - Accounts Receivable

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.

CCL26.12 Culburra Beach - Roads & Road Reserves

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.

CCL26.13 Tenders - Linen Hire, Supply & Laundering to Holiday Haven Parks

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: Mayor White, Clr Wilkins, Clr Killian, Clr Boyd, Clr Krikstolaitis, Clr Norris, Clr Dunn,

Clr Proudfoot, Clr Casmiri, Clr Clancy, Clr Steele and Clr Kemp

AGAINST: Clr Tribe

CARRIED

The meeting moved into confidential session, the time being 9:34pm.

Note: During the Confidential Session a procedural motion was moved to extend the Ordinary Meeting to 10:30pm.

The meeting moved into open session, the time being 10:00pm.

CL26.115 Development Application DA25/1028 - 30 Tallowa Dam Road, Kangaroo Valley - Lot 1 DP 1262638

**HPERM Ref:
D26/17873**

Recommendation

That the Development Application for Proposed temporary use of land for functions, proposed primitive camping ground and proposed detached habitable rooms on the land 30 Tallowa Dam Road, Kangaroo Valley – Lot 1 DP1262638 be approved subject to the recommended conditions of consent contained in Attachment 1 of this report.

RESOLVED (Clr Proudfoot / Mayor White)

MIN26.170

That consideration of the Development Application for Proposed temporary use of land for functions, proposed primitive camping ground and proposed detached habitable rooms on the land 30 Tallowa Dam Road, Kangaroo Valley – Lot 1 DP1262638 be deferred to allow staff to obtain further information from the Applicant and provide a supplementary report to Council to consider:

1. A Structural Adequacy Certificate which confirms that the rotunda (gazebo) is structurally capable of safely accommodating the proposed number of occupants and considers the structural integrity of the supporting concrete water tank. The certificate must also specify the maximum permitted occupancy.
2. A proposed change in operating hours to daylight hours.

Reason Development Application Decision not in accordance with staff recommendation:

Council has not adopted the recommendation of staff as the structural integrity of the water tank was not included in the assessment and to address the concerns raised by the community in regard to operating hours.

FOR: Mayor White, Clr Tribe, Clr Dunn, Clr Proudfoot, Clr Casmiri, Clr Steele and Clr Kemp

AGAINST: Clr Wilkins, Clr Killian, Clr Boyd, Clr Clancy, Clr Krikstolaitis and Clr Norris

CARRIED

CL26.116 Development Application – 21 Fegen Street Huskisson – Lot F DP 384715

**HPERM Ref:
D26/164544**

Recommendation

That DA24/2379 to vary the minimum lot size in Clause 4.1A of the Shoalhaven Local Environmental Plan (LEP) 2014 at 21 Fegen Street Huskisson be approved subject to the conditions of consent listed in the Draft Notice of Determination at Attachment 2.

RESOLVED (Clr Proudfoot / Mayor White)

MIN26.171

That DA24/2379 to vary the minimum lot size in Clause 4.1A of the Shoalhaven Local Environmental Plan (LEP) 2014 at 21 Fegen Street Huskisson be approved subject to the conditions of consent listed in the Draft Notice of Determination at Attachment 2.

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

AGAINST: Nil

CARRIED

Items marked with an * were resolved without debate.

CL26.117 Grant of Easements for Padmount Substation and Underground Cables and Create a Restriction on the Use of Land - Part Lot 1 DP 1063393

**HPERM Ref:
D26/152135**

RESOLVED* (Clr Norris / Clr Boyd)

MIN26.172

That Council:

1. Grant the following easements for electrical purposes in favour of Endeavour Energy over Lot 1 DP 1063393, 125 Kings Point Drive, Kings Point:
 - a. Easement for Padmount Substation 3.77 metres wide
 - b. Easement for Underground Cables 3 metres Wide
 - c. Easement for Underground Cables 1 metres Wide
2. Create a Restriction on the Use of Land in favour of Endeavour Energy over Lot 1 DP 1063393, 125 Kings Point Drive, Kings Point.
3. Release the following existing easements for electrical purposes in favour of Endeavour Energy over Lot 1 DP 1063393, 125 Kings Point Drive, Kings Point:
 - d. Easement for Padmount Substation created by instrument AG31689
 - e. Part Easement for Underground Cables created by instrument AG31689
4. Endorse funding for the creation and release of easements and the Restriction on the Use of Land from the Shoalhaven Water - Sewer Fund.
5. Authorise the common seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegates authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

CL26.118 EXEMPTION FROM TENDERING - SHOALHAVEN MATERIALS RECOVERY FACILITY PROCESSING CAPACITY

**HPERM REF:
D26/195981**

Item dealt with earlier in the meeting see MIN26.168.

There being no further business, the meeting concluded, the time being 10:27pm.

Mayor White
CHAIRPERSON

REPORT FROM CONFIDENTIAL SESSION

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

CCL26.11 Bad Debts Write off - Accounts Receivable

**HPERM Ref:
D26/181380**

RESOLVED (Mayor White / Clr Kemp)

MIN26.173C

That outstanding debts totalling \$843,571.07, incurred by 33 separate and unrelated debtors, be approved for write off in accordance with Clause 213 of the Local Government (General) Regulation 2021.

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

AGAINST: Nil

CARRIED

CCL26.12 Culburra Beach - Roads & Road Reserves

**HPERM Ref:
D26/192738**

RESOLVED (Clr Wilkins / Mayor White)

MIN26.174C

That Council approves and authorises the Chief Executive Officer (Director – City Services) with delegated authority to:

1. undertake negotiations with the title holder of Title Volume 3433 Folio 244 to settle the dispute in the best terms possible having regard to Council and community interests.
2. negotiate and execute a deed of settlement and/or any other document required to give effect to the settlement.
3. Negotiate and execute any easements, caveats or other such documentation associated with the terms of settlement and/or the dedication of any land.

FOR: Mayor White, Clr Wilkins, Clr Killian, Clr Boyd, Clr Krikstolaitis, Clr Norris, Clr Dunn, Clr Proudfoot, Clr Casmiri, Clr Clancy, Clr Steele and Clr Kemp

AGAINST: Clr Tribe

CARRIED

CCL26.13 Tenders - Linen Hire, Supply & Laundering to Holiday Haven Parks

**HPERM Ref:
D26/174337**

RESOLVED (Clr Tribe / Clr Steele)

MIN26.175C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from AlSCO Pty Ltd for provision of linen hire, supply and laundering as per the schedule of rates tendered.
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).

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

AGAINST: Nil

CARRIED