

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 5 December 2022
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr John Kotlash
Clr Matthew Norris
Clr Liza Butler
Clr Moo D'Ath
Clr Serena Copley
Clr Paul Ell
Clr Patricia White
Clr John Wells
Clr Greg Watson
Clr Mark Kitchener
Clr Tonia Gray

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

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

Apologies / Leave of Absence

Note: A request for leave was granted at the meeting of Monday 28 November 2022 for Clr Christen this meeting.

Confirmation of the Minutes

RESOLVED (Clr Norris / Clr Kotlash) MIN22.921

That the Minutes of the Ordinary Meeting held on Monday 28 November 2022 be confirmed.

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

AGAINST: Nil

CARRIED

Declarations of Interest

Clr Ell – CL22.644 - Worrigee / South Nowra / East Nowra Community Infrastructure Investigations – less than significant non pecuniary interest declaration – he is a member of the Worrigee Sports Club – will remain in the room and will take part in discussion and vote.

Clr Copley – CL22.644 - Worrigee / South Nowra / East Nowra Community Infrastructure Investigations – less than significant non pecuniary interest declaration – she is a member of the Worrigee Sports Club – will remain in the room and will take part in discussion and vote.

MAYORAL MINUTE

Nil

DEPUTATIONS AND PRESENTATIONS

CL22.642 - Development Application – DA21/2438 – Currumbene St & Hawke St Huskisson – Lot 1 DP 209436, Part Lot 7010 DP 1076858 & Lot 7012 DP 1021163 (Page 87)

Mr Stephen Bartlett addressed the meeting to speak against the recommendation.

Mr Mike Hammond (Marine Rescue NSW) addressed the meeting to speak for the recommendation

CL22.632 - Report of the Aboriginal Advisory Committee - 8 November 2022 (AA22.23 - Membership Appointment)

Mr Ronald Carberry addressed the meeting to speak against the recommendation.

CL22.641 - Development Application - DA22/1614 - 5 Flora Street, Sanctuary Point (Page 76)

Ms Crystal Walton addressed the meeting to speak against the recommendation

CL22.636 - Exhibition Outcomes and Proposed Next Steps Review of Planning Options for Taylors Lane

Mr Robin Graham addressed the meeting to speak for the recommendation

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Gray)

MIN22.922

That the following items of the Aboriginal Advisory Committee Report be resolved en bloc:

- AA22.20 - Notification of Council Resolution - Aboriginal Advisory Committee Re-establishment and Nomination of Chairperson
- AA22.21 - Cultural Immersion Workshops
- AA22.25 - Additional Item - Naming of Boongaree
- AA22.28 - Additional Item - Council Advisory Committees - Indigenous Representation
- AA22.29 - Additional Item - Freeze of Development Sites - Newcastle University
- AA22.31 - Additional Item - Aboriginal Cultural Centre - Funds

- AA22.32 - Additional Item - Scar Tree Desecration - Warra Warra Rd

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Kotlash) MIN22.923

That the following items of the City Performance Directorate be resolved en bloc:

- CL22.634 - Ongoing Register of Pecuniary Interest Returns - November 2022
- CL22.635 - 2023 National Forum on Coastal Hazards (Australian Coastal Councils Association)

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Kotlash / Clr White) MIN22.924

That the following item of the City Futures Directorate be resolved en bloc:

- CL22.637 - Proposed New Strategic Planning Direction

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Copley / Clr White) MIN22.925

That the following items of the City Services Directorate be resolved en bloc:

- CL22.590 - Proposed Land Disposal - North Crescent Culburra Beach
- CL22.638 - Proposed Licence - T & C Hoskin - Part Mahogany Creek Reserve North Nowra

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Copley)

MIN22.926

That the following items of the City Lifestyles Directorate be resolved en bloc:

- CL22.645 - Draft Berry Showground Master Plan - Update to Council and Progress to Exhibition
- CL22.646 - Policy - Private Functions on Public Reserves

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Wells / Clr Gray)

MIN22.927

That the following items of Shoalhaven Water be resolved en bloc:

- CL22.647 - Acquisition of Easement for Water Supply - Lot 28 DP 1282389 Taylors Lane Cambewarra
- CL22.648 - Tenders - Moss Vale Road Urban Release Area Water Infrastructure Illaroo Road Water Pumping Station and Stage 2 Water Mains Construction Project
- CL22.649 - Tenders - Danjera Dam Camping Ground and Recreational Area Construction

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

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

AGAINST: Nil

CARRIED

AA22.23 Membership Appointment

HPERM Ref:
D22/418803

Note: A Deputation was received on the item.

Recommendation

That Council:

1. Endorse and accept the appointment of David Blakely as a member of the Aboriginal Advisory Committee.
2. Provide an unsuccessful outcome letter to the unsuccessful applicant's and thank them for their application.

3. Review the Terms of Reference regarding,
- Youth membership age bracket and consider engaging with the Shoalhaven University and TAFE campuses to fill vacant roles of the youth representatives.
 - The requirement for members to live in the Shoalhaven LGA.
 - Consider adding an extra community member position, noting it will be filled by Mr Jared Brown following the conclusion of appointment with Council.

Note by the CEO:

Staff will provide a report, taking into consideration the Committee's request, as part of a Terms of Reference (TOR) review that will take place at the first Aboriginal Advisory Committee meeting of 2023 (28 February 2023). Proposed amendments will align with the recently endorsed TOR template for Advisory Committees.

RESOLVED (Clr Butler / Clr Wells)

MIN22.928

That this recommendation be deferred to a Clr Briefing to allow for further discussion and information to be provided from staff.

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

AGAINST: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Findley / Clr Ell)

MIN22.929

That the matter of item CL22.633 - Annual Report 2021-2022 be brought forward for consideration.

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

AGAINST: Nil

CARRIED

CL22.633 Annual Report 2021-2022

**HPERM Ref:
D22/478426**

Recommendation

That Council receive and endorse the Annual Report 2021-2022.

RESOLVED (Clr Ell / Clr Findley)

MIN22.930

That Council receive and endorse the Annual Report 2021-2022.

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

AGAINST: Nil

CARRIED

CL22.641 Development Application - DA22/1614 - 5 Flora Street, Sanctuary Point

HPERM Ref: D22/458055

Note: A Deputation was received on this item.

Recommendation

That Development Application DA22/1614 for demolition of existing structures, construction of a dual occupancy (attached) and associated Torrens title subdivision of one (1) lot into two (2) lots be approved subject to the recommended conditions of consent provided at Attachment 2.

RESOLVED (Clr Eil / Clr Butler)

MIN22.931

That the Development Application DA22/1614 be directed back to the CEO (Director City Development) to be determined under delegated authority for approval with a condition specifically requiring landscaping/screening on the western boundary of the site.

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

AGAINST: Nil

CARRIED

CL22.642 Development Application - DA21/2438 - Currumbene St & Hawke St Huskisson - Lot 1 DP 209436, Part Lot 7010 DP 1076858 & Lot 7012 DP 1021163

HPERM Ref: D22/470890

Note: A Deputation was received on this item.

Recommendation

That Development Application No. DA21/2438 be determined by means of approval, subject to the conditions of consent as attached at Attachment 5.

RESOLVED (Clr Wells / Clr White)

MIN22.932

That the Development Application - DA21/2438 be deferred pending further consultation between key stakeholders including Marine Rescue, The Hotel Owner, Council, Council staff and Crown Lands.

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

AGAINST: Nil

CARRIED

CL22.636 Exhibition Outcomes and Proposed Next Steps - Review of Planning Options for Taylors Lane

HPERM Ref: D22/478527

Note: A Deputation was received on this item.

Recommendation

That Council:

1. For the 'West' section of Taylors Lane:

a. Adopt **Option W1** as shown in Attachment 1 drawing SK001 being upgrade of Taylors

Lane to a 'Tree Lined Boulevard' in accordance with the adopted Shoalhaven DCP 2014 Chapter NB3:

- i. Widen the road ~5m each side of the existing centreline.
 - ii. Remove the existing mature trees on the northern side of the existing pavement.
 - iii. Plant suitable Street Trees along the upgraded Taylors Lane consistent with the adopted Moss Vale Road South Species List
- b. Receive a further report on options that may help to deliver the required road upgrade in a timely manner to support the overall Moss Vale Road South URA.

2. For the 'East' section of Taylors Lane:

- a. If it wishes to retain the trees, proceed to upgrade Taylors Lane in accordance with **Option E3** as shown in Attachment 1 drawing SK006, with **Option E1** as shown in Attachment 1 drawing SK004 as a 'backup' option, and commence negotiations for a possible joint funding and delivery arrangement with the landholder/developer of DA SF10898;

OR

- b. If it does not wish to retain the trees, proceed with the upgrade of Taylors Lane in accordance with **Option E2** as shown in Attachment 1 drawing SK005.

3. Notify those who made submissions during the public exhibition period of this decision.

RESOLVED (Clr Wells / Clr Butler)

MIN22.933

That this matter be deferred to a Clr Briefing to consider options suggested by the depute.

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

AGAINST: Clr Findley

CARRIED

REPORT OF THE ABORIGINAL ADVISORY COMMITTEE - 8 NOVEMBER 2022

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

AA22.20	Notification of Council Resolution - Aboriginal Advisory Committee Re-establishment and Nomination of Chairperson	HPERM Ref: D22/445886
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RESOLVED* (Clr White / Clr Gray)

MIN22.934

That Council

1. Accept Mr Jared Brown's resignation as Chairperson and,
2. Accept Mr Jared Brown's membership resignation from the Committee for the period of 12 months.
3. Thank Mr Jared Brown for his contribution to the Committee and his time as Chairperson.
4. Conduct an election of Chairperson at the next Aboriginal Advisory Committee meeting to be held, 6 December 2022 for the period to September 2023, noting that the appointment will be reaffirmed by Council.

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

AGAINST: Nil

CARRIED

AA22.21 Cultural Immersion Workshops

HPERM Ref:
D22/397800

RESOLVED* (Clr White / Clr Gray)

MIN22.935

That Council

1. Note the Aboriginal Advisory Committee received the report regarding Cultural Immersion Workshops for information.
2. Suggest Council staff to investigate other organisations with the capacity to deliver Cultural Immersion workshops targeted towards men's business in addition to the Waminda facilitated training.

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

AGAINST: Nil

CARRIED

AA22.23 Membership Appointment

HPERM REF:
D22/418803

Item dealt with earlier in the meeting see MIN22.928

AA22.25 Additional Item - Naming of Boongaree

RESOLVED* (Clr White / Clr Gray)

MIN22.936

That Council endorse the Aboriginal Advisory Committee to receive further background information on how the naming of the Boongaree Reconciliation Garden was decided, and request to be involved in the consultation process of all future naming's of such Council assets.

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

AGAINST: Nil

CARRIED

AA22.28 Additional Item - Council Advisory Committees - Indigenous Representation

RESOLVED* (Clr White / Clr Gray)

MIN22.937

That Council as recommended by the Aboriginal Advisory Committee, encourage the appointment of two (2) Indigenous representatives, male and female, on all Council Advisory Committees.

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

AGAINST: Nil

CARRIED

AA22.29 Additional Item - Freeze of Development Sites - Newcastle University**RESOLVED*** (Clr White / Clr Gray)

MIN22.938

That Council as recommended by the Aboriginal Advisory Committee, request the appropriate Council staff within City Futures to initiate discussions with Newcastle University regarding the process to have the Husky Church site registered as a Massacre site.

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

AGAINST: Nil

CARRIED

AA22.31 Additional Item - Aboriginal Cultural Centre - Funds**RESOLVED*** (Clr White / Clr Gray)

MIN22.939

That Council as recommended by the Aboriginal Advisory Committee, request relevant Council staff to investigate the sale and the proceeds of the previous Aboriginal Cultural Centre and request a report back to a future meeting regarding the whereabouts of the funds.

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

AGAINST: Nil

CARRIED

AA22.32 Additional Item - Scar Tree Desecration - Warra Warra Rd**RESOLVED*** (Clr White / Clr Gray)

MIN22.940

That Council, as recommended by the Aboriginal Advisory Committee:

1. Advise the relevant department within Council of the cultural insensitivity in the desecration of a Scar Tree with Council fencing, and
2. Request Council to investigate the possibility of removal of the fencing.

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

AGAINST: Nil

CARRIED

REPORTS**CL22.633 Annual Report 2021-2022****HPERM REF:**
D22/478426

Item dealt with earlier in the meeting see MIN22.930

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

CL22.634 Ongoing Register of Pecuniary Interest Returns - November 2022	HPERM Ref: D22/479021
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RESOLVED* (Clr White / Clr Kotlash) MIN22.941

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 November to 30 November 2022 be received for information.

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

AGAINST: Nil

CARRIED

CL22.635 2023 National Forum on Coastal Hazards (Australian Coastal Councils Association)	HPERM Ref: D22/485883
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RESOLVED* (Clr White / Clr Kotlash) MIN22.942

That Council

1. Notes the details of the 2023 National Forum on Coastal Hazards scheduled for 29-31 March 2023 in Freemantle, WA.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

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

AGAINST: Nil

CARRIED

CL22.636 Exhibition Outcomes and Proposed Next Steps - Review of Planning Options for Taylors Lane	HPERM REF: D22/478527
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Item dealt with earlier in the meeting see MIN22.933

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

CL22.637 Proposed New Strategic Planning Direction	HPERM Ref: D22/496137
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RESOLVED* (Clr Kotlash / Clr White) MIN22.943

That Council:

1. Endorse the preparation of revised land use planning strategies and Local Environmental Plan, Development Control Plan and Developer Contributions Plan (collectively a Planning scheme) for Shoalhaven City.

2. Include in the work in Recommendation 1 an investigation and inclusion of local character.
3. Receive a further report that provides a Project Plan and Terms of Reference for this work, which informs the Council on how this work would be best achieved, including scope, timing/staging and resourcing.

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

AGAINST: Nil

CARRIED

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

CL22.590 Proposed Land Disposal - North Crescent Culburra Beach	HPERM Ref: D22/173460
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RESOLVED* (Clr Copley / Clr White) MIN22.944

That Council

1. Authorise the sale and consolidation of:
 - a. Proposed Lot 2 (108.4m²) to the owner of Lot 738 DP 12278 (112 Penguin Head Road, Culburra) for \$6,600 (plus GST if applicable).
 - b. Proposed Lot 3 (73.6m²) to the owner of Lot 1 DP 28615 (37 Allerton Ave, Culburra), for \$4,500 (plus GST if applicable).
 - c. Proposed Lot 4 (308.7m²) to the owner of Lot 7621 DP 1205582 (118 Marina Lane, Culburra), for \$110,000 (plus GST if applicable).
2. The purchasers of proposed Lots 2, 3 and 4 are responsible for all costs involved with lot consolidation and their legal costs;
3. Authorise the proceeds from sale of the closed road to be allocated to the Property Reserve – Roads, in accordance with the *Roads Act 1993*;
4. Authorise for the Common Seal of the Council of the City of Shoalhaven to be affixed to any documentation requiring to be sealed and delegate to the CEO authority to sign any documentation necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

CL22.638 Proposed Licence - T & C Hoskin - Part Mahogany Creek Reserve North Nowra	HPERM Ref: D22/408761
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RESOLVED* (Clr Copley / Clr White) MIN22.945

That Council

1. Enter into a five (5) year licence over part of Lot 8 DP 789881 Page Ave, North Nowra, with T & C Hoskin for the purpose of encroachment of preschool playground located at 75 Page Ave North Nowra, with the commencing rent being \$543.00 plus GST per annum increased annually by CPI;

2. Authorise income received to be allocated to Finance Project 102308 – Reserve Access Licence fees – various;
3. Authorise the Chief Executive Officer (CEO) to sign all documentation required to give effect to this resolution and affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

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

AGAINST: Nil

CARRIED

CL22.639 Quarterly Review for Compliance Matters

**HPERM Ref:
D22/416444**

Recommendation

That Council receive the 1 July to 30 September 2022 quarterly report on compliance matters for information.

RESOLVED (Clr White / Clr Ell)

MIN22.946

That Council:

1. Receive the 1 July to 30 September 2022 quarterly report on compliance matters for information.
2. Add a clause to the recommendation for Zero tolerance for significant non complying pool barriers/fencing.

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

AGAINST: Nil

CARRIED

CL22.640 RA22/1003 - McIntosh Street Shoalhaven Heads - Part Lot 7005 DP 1075719

**HPERM Ref:
D22/472888**

Recommendation

That:

1. Council receive and note the report RA22/1003 - McIntosh Street, Shoalhaven Heads - Part Lot 7005 DP 1075719.
2. Council support RA22/1003 for coastal protection works at McIntosh Street, Shoalhaven Heads on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of RA22/1003.

RESOLVED (Clr White / Clr Wells)

MIN22.947

That:

1. Council receive and note the report RA22/1003 - McIntosh Street, Shoalhaven Heads - Part Lot 7005 DP 1075719.

2. Council support RA22/1003 for coastal protection works at McIntosh Street, Shoalhaven Heads on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of RA22/1003.

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

AGAINST: Nil

CARRIED

CL22.641 Development Application - DA22/1614 - 5 Flora Street, Sanctuary Point

HPERM REF: D22/458055

Item dealt with earlier in the meeting see MIN22.931

CL22.642 Development Application - DA21/2438 - Currambene St & Hawke St Huskisson - Lot 1 DP 209436, Part Lot 7010 DP 1076858 & Lot 7012 DP 1021163

HPERM REF: D22/470890

Item dealt with earlier in the meeting see MIN22.932

CL22.643 Development Application - DA22/1710 - 12 Milham Street, Lake Conjola - Lot 3 DP 515751

HPERM Ref: D22/474697

Recommendation

That Development Application DA22/1710 for demolition of an existing dwelling house and garage and construction of a new dwelling house at Lot 3 DP 515751, 12 Milham Street, Lake Conjola be approved subject to the recommended conditions of consent contained in Attachment 3 of this report.

RESOLVED (Clr D'Ath / Clr Gray)

MIN22.948

That Council:

1. Delegate authority to the CEO (Director City Development) to negotiate a revision in the roof design to reduce the overall height of the proposal; and,
2. Where a revised overall building height can be agreed within 10% of the height limitation, an approval with conditions be issued for the development under delegation.
3. Staff also consider the height of the buildings opposite this property.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Wells and Clr Gray

AGAINST: Clr White, Clr Watson and Clr Kitchener

CARRIED

CL22.644 Worrigee / South Nowra / East Nowra Community Infrastructure Investigations

HPERM Ref: D22/474298

Clr Eil – less than significant non pecuniary interest declaration – he is a member of the Worrigee Sports Club –remained in the room and took part in discussion and voted.

Clr Copley – less than significant non pecuniary interest declaration – she is a member of the Worrigee Sports Club –remained in the room and took part in discussion and voted.

Recommendation

That Council:

1. Receive this report for information as:
 - a. An update on investigations in relation an aquatic facility for the Worrigee, South Nowra, and East Nowra areas
 - b. An overview of discussions to date with Schools Infrastructure NSW on partnership opportunities
2. Take no further action in respect of the discussions with Worrigee Sports regarding an aquatic facility.
3. Consider the provision of community infrastructure for Worrigee, South Nowra and East Nowra as part of the upcoming review of the Community Infrastructure Strategic Plan (CISP).

MOTION (Clr Eil / Clr Watson)

That Council:

1. Receive this report for information as:
 - a. An update on investigations in relation an aquatic facility for the Worrigee, South Nowra, and East Nowra areas
 - b. An overview of discussions to date with Schools Infrastructure NSW on partnership opportunities
2. Consider the provision of community infrastructure including **an aquatic facility** for Worrigee, South Nowra and East Nowra as part of the upcoming review of the Community Infrastructure Strategic Plan (CISP).
3. Continue to investigate opportunities for potential public private partnership or joint venture with interested stakeholders for the provision of an aquatic facility for Worrigee, South Nowra and East Nowra.

FOR: Clr Copley, Clr Eil, Clr White, Clr Wells, Clr Watson and Clr Kitchener

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

LOST ON THE CASTING VOTE OF THE CHAIR

FORESHADOWED MOTION (RESOLVED) (Clr Gray / Clr Kotlash)

MIN22.949

That Council:

1. Receive this report for information as:
 - a. An update on investigations in relation an aquatic facility for the Worrigee, South Nowra, and East Nowra areas
 - b. An overview of discussions to date with Schools Infrastructure NSW on partnership opportunities

2. Take no further action in respect of the discussions with Worrigee Sports regarding an aquatic facility.
3. Consider the provision of community infrastructure for Worrigee, South Nowra and East Nowra as part of the upcoming review of the Community Infrastructure Strategic Plan (CISP).

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

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

CARRIED ON THE CASTING VOTE OF THE CHAIR

Note: A rescission motion was received on this item.

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

CL22.645 Draft Berry Showground Master Plan - Update to Council and Progress to Exhibition	HPERM Ref: D22/158265
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RESOLVED* (Clr White / Clr Copley) MIN22.950

That Council;

1. Receive this report for information in relation to engagement activities undertaken to date to inform the *Draft Berry Showground Master Plan*.
2. Approve release of the *Draft Berry Showground Master Plan* for public exhibition for a period of 28 days.
3. Receive a future report outlining the outcome of community engagement activities associated with public exhibition of the draft master plan, and recommendations relating to adoption of a finalised *Berry Showground Master Plan*.

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

AGAINST: Nil

CARRIED

CL22.646 Policy - Private Functions on Public Reserves	HPERM Ref: D22/471730
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RESOLVED* (Clr White / Clr Copley) MIN22.951

That Council re-adopt the Private Functions on Public Reserve Policy.

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

AGAINST: Nil

CARRIED

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

CL22.647 Acquisition of Easement for Water Supply - Lot 28 DP 1282389 Taylors Lane Cambewarra	HPERM Ref: D22/443855
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RESOLVED* (Clr Wells / Clr Gray) MIN22.952

That Council:

1. Acquires an Easement for Water Supply 5 metres wide over Lot 28 DP 1282389 Taylors Lane Cambewarra identified as "W1" in the attached survey plan;
2. Pays compensation of \$2,000 (plus GST if applicable) and reasonable costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1993;
3. Funds all costs associated with the acquisition of the water easement from the Water Fund;
4. Delegates authority to the Chief Executive Officer (Executive Manager, Shoalhaven Water) to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined by Council's solicitor;
5. Authorises the Chief Executive Officer (Executive Manager, Shoalhaven Water) to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

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

AGAINST: Nil

CARRIED

CL22.648 Tenders - Moss Vale Road Urban Release Area Water Infrastructure Illaroo Road Water Pumping Station and Stage 2 Water Mains Construction Project	HPERM Ref: D22/492832
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RESOLVED* (Clr Wells / Clr Gray) MIN22.953

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

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

AGAINST: Nil

CARRIED

CL22.649 Tenders - Danjera Dam Camping Ground and Recreational Area Construction	HPERM Ref: D22/429519
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RESOLVED* (Clr Wells / Clr Gray) MIN22.954

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

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL22.650 Notice of Motion - Hyams Beach Fire Shed

HPERM Ref:
D22/498161

Recommendation

That Council:

1. Hold a meeting with Hyams Beach CCB (Caretaker Committee), HBVA working committee and available Councillors to discuss status and options for the Community Hall/Fire Shed at Hyams Beach.
2. A further report be provided to Council on status and options.

RESOLVED (Clr White / Clr Wells)

MIN22.955

That Council:

1. Hold a meeting with Hyams Beach CCB (Caretaker Committee), HBVA working committee and available Councillors to discuss status and options for the Community Hall/Fire Shed at Hyams Beach.
2. A further report be provided to Council on status and options.

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

AGAINST: Nil

CARRIED

CL22.651 Notice of Motion - Sussex Inlet Road Completion of Footpath to Marine Rescue

HPERM Ref:
D22/498189

Recommendation

That Council complete the missing link of footpath on Sussex Inlet Road through the Council reserve (from Inasmuch Villages to Marine Rescue building) in a timely manner.

RESOLVED (Clr White / Clr Wells)

MIN22.956

That Council complete the missing link of footpath on Sussex Inlet Road through the Council reserve (from Inasmuch Villages to Marine Rescue building) in a timely manner.

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

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 Kotlash / Clr Copley)

MIN22.957

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.

CCL22.34 Tenders - Moss Vale Road Urban Release Area Water Infrastructure Illaroo Road Water Pumping Station and Stage 2 Water Mains Construction Project

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.

CCL22.35 Tenders - Danjera Dam Camping Ground and Recreational Area Construction

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.

CARRIED

The meeting moved into confidential the time being 7.43pm.

The meeting moved into open session, the time being 7.44pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL22.34 Tenders - Moss Vale Road Urban Release Area Water Infrastructure Illaroo Road Water Pumping Station and Stage 2 Water Mains Construction Project

**HPERM Ref:
D22/493100**

RESOLVED

MIN22.958C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Utilstra Pty Ltd for the Moss Vale Road Urban Release Area Water Infrastructure Illaroo Road Water Pumping Station and Stage 2 Water Mains Construction Project for a total cost of \$8,568,984.74 (GST inclusive).

2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)* by the CEO (Executive Manager, Shoalhaven Water).

CARRIED

**CCL22.35 Tenders - Danjera Dam Camping Ground and
Recreational Area Construction**

**HPERM Ref:
D22/429517**

RESOLVED

MIN22.959C

That Council:

1. In accordance with Section 178(1)(b) of the regulations, decline to accept any Tender for Danjera Dam Camping ground and Recreational Area Construction project as the only Tenderer failed to comply with Compliance and Mandatory Criteria.
2. Invite fresh tenders in accordance with Clause 178(3)(b) of the Regulation.

CARRIED

Note: A Rescission Motion was received in relation to CL22.644 - Worrigee / South Nowra / East Nowra Community Infrastructure Investigations - signed by Clr Ell, Clr Copley, and Clr Wells.

Note: Clr Butler addressed the meeting and reminded Councillors that it's been 3 years since the Currowan Fire and to be mindful over the next 2-3 months as some members of the community are still in need of support.

There being no further business, the meeting concluded, the time being 7.49pm.

Clr Findley
CHAIRPERSON