

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 13 April 2021
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr John Wells - Chairperson
Clr Amanda Findley
Clr Joanna Gash
Clr Patricia White
Clr Kaye Gartner
Clr Nina Digiglio
Clr John Levett
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Stephen Dunshea - Chief Executive Officer

Apologies / Leave of Absence

An apology was received from Clr Alldrick and Clr Guile.

Confirmation of the Minutes

RESOLVED (Clr Pakes / Clr Gartner) MIN21.186

That the Minutes of the Strategy and Assets Committee held on Tuesday 09 March 2021 be confirmed.

CARRIED

Declarations of Interest

Clr Proudfoot – “SA21.54 - Report Back - Representations - Shoalhaven Hospital Car Parking” – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – “his daughter is a nurse at the hospital and there could be a perception of some form of favourable benefit towards his daughter”.

Clr Proudfoot – “SA21.71 - Evaluation of New Water Recycling Projects - Cost-Benefit Framework – pecuniary interest declaration – will leave the room and will not take part in discussion or vote –

“he is the president of the St Georges Basin Country Club who owns the Vincentia Golf Club which may benefit greatly from access to the REMS Scheme”.

Mr Stephen Dunshea - CEO – “SA21.68 - Feasibility Report - Provision of Sewer to Tomerong Village ” – significant non pecuniary interest declaration – will leave the room and will not take part in discussion or vote – “he is a home owner and resident of Tomerong”.

Clr Findley – “SA21.48 - Question on Notice - The River Road, Currowan.” – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – “they are only Questions on Notice about a road of which she has a share in a property”.

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

SA21.46 – Notice of Motion – Proposed Road Closure and Subdivision – Part North Cres, Culburra Beach

Mr David Riordan addressed the meeting to speak in favour of the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr White)

MIN21.187

That the matter of item SA21.46 - Notice of Motion - Proposed Road Closure and Subdivision – Part North Cres, Culburra Beach be brought forward for consideration.

CARRIED

SA21.46 Notice of Motion - Proposed Road Closure and Subdivision – Part North Cres, Culburra Beach

HPERM Ref:
D21/132820

Recommendation (Item to be determined under delegated authority)

That:

1. Council halts all works on the Council owned green space which has been identified as surplus Council land on the northern side of North Crescent between the Lake Circuit and Marina Lane.
2. The CEO bring back to the earliest appropriate meeting a report which covers the following issues:
 - a. Proposed plans for the “Green Space” including capital works, land clearing, subdivisions, extent of the original community consultation and the associated time frames.
 - b. An environmental impact statement and cost benefit analysis for the planned project.
 - c. Suggestions for possible alternative uses of this land including the recategorisation of it as Community Land and the creation of a nature reserve.
 - d. A Consultation Plan which might include CCBs, tourism bodies and the wider Culburra community.
 - e. How far the project has progressed and the options to reconsider it.

RESOLVED (Clr Levett / Clr Pakes)

MIN21.188

That Council halts all works on the Council owned green space which has been identified as surplus Council land on the northern side of North Crescent between the Lake Circuit and Marina Lane, until the CEO brings back to the earliest appropriate meeting a report which covers the following issues:

1. Proposed plans for the "Green Space" including capital works, land clearing, subdivisions, extent of the original community consultation and the associated time frames.
2. An environmental impact statement and cost benefit analysis for the planned project.
3. Suggestions for possible alternative uses of this land including the recategorisation of it as Community Land and the creation of a nature reserve.
4. A Consultation Plan that includes CCBs, tourism bodies and the wider Culburra community.
5. How far the project has progressed and the options to reconsider it.

FOR: Clr Wells, Clr Findley, Clr Gash, Clr White, Clr Gartner, Clr Digiglio, Clr Levett, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Kitchener

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

SA21.44 Notice of Motion - Amendment to the NSW Electoral Laws

**HPERM Ref:
D21/121974**

Recommendation (Item to be determined under delegated authority)

That Council make representations to the Hon. Shelley Hancock MP, Minister for Local Government requesting Mrs Hancock to extend the prohibition in respect of individuals elected to Local Government from holding two (2) elected positions by including the Commonwealth Parliament of Australia in the prohibitions in the Legislation.

RESOLVED (Clr Watson / Clr Pakes)

MIN21.189

That Council make representations to the Hon. Shelley Hancock MP, Minister for Local Government requesting Mrs Hancock to extend the prohibition in respect of individuals elected to Local Government from holding two (2) elected positions by including the Commonwealth Parliament of Australia in the prohibitions in the Legislation.

FOR: Clr Wells, Clr White, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Findley, Clr Gash, Clr Gartner, Clr Digiglio, Clr Levett and Stephen Dunshea

CARRIED ON THE CASTING VOTE OF THE CHAIR

SA21.45 Notice of Motion - Thompson St Sporting Complex - Supply of Front Deck Mower

**HPERM Ref:
D21/122842**

Recommendation

That:

1. Council supply a front deck mower, type to be determined by Director City Services, for the use of the Thompson Sporting Complex Committee in maintaining the grounds.

2. The funds for the acquisition to be sourced from the Plant Replacement Reserve or other source, as determined by the CEO.

RECOMMENDATION (Clr Watson / Clr White)

That:

1. Council supply a front deck mower, type to be determined by Director City Services, for the use of the Thompson Sporting Complex Committee in maintaining the grounds.
2. The funds for the acquisition to be sourced from the Plant Replacement Reserve or other source, as determined by the CEO.

CARRIED

SA21.46 Notice of Motion - Proposed Road Closure and Subdivision – Part North Cres, Culburra Beach

**HPERM REF:
D21/132820**

Item dealt with earlier in the meeting see MIN21.188.

SA21.47 Notice of Motion - Improved Parking Signage - Croobyar Rd, Milton

**HPERM Ref:
D21/132942**

Recommendation (Item to be determined under delegated authority)

That Council

1. Improve the signage for legal parking requirements on Croobyar Rd along the border of Milton Showground by:
 - a. Increasing the size and frequency of signage.
 - b. Ensure signage is affixed to immovable structures Further, that Council write to Milton Promotions Committee advising how those with fines can appeal them due to inadequate signage.
2. Write to Milton Promotions Committee advising how those with fines can appeal them due to inadequate signage.

RESOLVED (Clr Gartner / Clr Findley)

MIN21.190

That Council:

1. Improve the signage for legal parking requirements on Croobyar Rd along the border of Milton Showground by:
 - a. Increasing the size and frequency of signage.
 - b. Ensure signage is affixed to immovable structures Further, that Council write to Milton Promotions Committee advising how those with fines can appeal them due to inadequate signage.
2. Write to Milton Promotions Committee advising how those with fines can appeal them due to inadequate signage.

CARRIED

SA21.48 Question on Notice - The River Road, Currowan

**HPERM Ref:
D21/126803**

Clr Findley – less than significant non pecuniary interest declaration – “they are only Questions on Notice about a road of which she has a share in a property”. - remained in the room and took part in discussion and voted.

Question

The River Road is a Council road which is used on a regular basis by residents living in the Shallow Crossing / Brooman / Mogood area. Tourists also visit Shallow Crossing and surrounds so there is always a bit of traffic on this road especially during holiday time.

1. Is SCC aware of the current extent of use of The River Rd Currowan by logging trucks?
2. Is SCC aware of the number of near misses between road users and logging trucks in recent months?
3. Does SCC consider the mix of residents, tourists and logging trucks advisable?
4. Has SCC increased its maintenance schedule for The River Rd in the face of increased use by logging trucks?



Response

A report addressing the questions will be submitted to a future Strategy & Assets Committee meeting.

REPORTS

SA21.49 Draft Delivery Program Operational Plan and Budget 2021-2022 - Public Exhibition

HPERM Ref:
D21/80866

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the 2021/22 Draft Delivery Program and Operational Plan, Budget, Fees and Charges for the purpose of placing on public exhibition for a period of 28 days.
2. Approve the Ministers allowable limit of a 2.6% increase (2% rate peg plus 0.6% SRV catch-up) in 2021/22 to the notional yield as permitted by Section 511 of the Local Government Act 1993.
3. Maintain the 2020/21 rating structure, comprising both base and ad valorem amounts noting that the use of a base amount results in bringing the higher and lower values closer together and in effect spreads the burden across the board to all ratepayers – noting also that this is a commonly used rating structure that is considered to provide the fairest and most equitable distribution of the rate levy across the LGA.
4. In accordance with Section 566(3) of the Act, endorse the rate of interest payable on overdue rates and charges for the period 1 July 2021 to 30 June 2022 (inclusive) to be 1.5% per annum. It is noted that this is significantly lower than the 2020 OLG recommended maximum of 7%. Interest charges will continue to be waived for ratepayers that are experiencing financial hardship and apply for financial assistance under Council’s Hardship Policy.
5. Note that the proposed Waste Fees and Charges for 2021/22 have been included in the Draft DPOP and are tabled to Council for endorsement in a separate report to this Strategy & Assets Committee Meeting.
6. Receive a report on feedback from the community on the Draft 2021/22 DPOP and Budget following the 28 days public exhibition period.

Clr Watson attempted to move an amendment to the Motion. The Chairperson ruled that in accordance with Section 10.10 of the Code of Meeting Practice the proposal was not an amendment as it was a negative to the motion and would be considered as a foreshadowed motion.

Clr Watson raised a Point of Order – under Section 15.11 of the Code of Conduct - against Clr Findley - that she is casting dispersions on other Councillors. The Chairperson ruled against the Point of Order.

Clr Pakes raised a Point of Order – under Section 15.11d of the Code of Conduct - against Clr Findley – the Mayor has made insults and made personal reflections or improper motives on Councillors. The Chairperson ruled against the Point of Order.

Clr Proudfoot raised a Point of Order – against Clr Findley – she assumed which way he would vote. Clr Findley apologised. The Chairperson did not rule on the Point of Order.

Clr Proudfoot raised a Point of Order – against Clr Findley - regarding her using the collective word “you” throughout the debate. Clr Findley apologised. The Chairperson did not rule on the Point of Order.

Clr Findley raised a Point of Order – against Clr Watson - regarding his comments about her outburst and imputing on her personal credibility. The Chairperson ruled in favour of the Point of Order and ask both Councillors to apologise regarding the tone of the debate. The Chairperson asked Clr Watson to withdraw his comments. Clr Watson withdrew his comments.

Clr Digiglio raised a Point of Order – under Section 15.33 of the Code of Conduct - against Clr Watson – by incriminating her name. The Chairperson ruled in favour of the Point of Order and asked Clr Watson to withdraw his comments. Clr Watson withdrew his comments.

RESOLVED (Clr Findley / Clr Digiglio)

MIN21.191

That Council:

1. Endorse the 2021/22 Draft Delivery Program and Operational Plan, Budget, Fees and Charges for the purpose of placing on public exhibition for a period of 28 days.
2. Approve the Ministers allowable limit of a 2.6% increase (2% rate peg plus 0.6% SRV catch-up) in 2021/22 to the notional yield as permitted by Section 511 of the Local Government Act 1993.
3. Maintain the 2020/21 rating structure, comprising both base and ad valorem amounts noting that the use of a base amount results in bringing the higher and lower values closer together and in effect spreads the burden across the board to all ratepayers – noting also that this is a commonly used rating structure that is considered to provide the fairest and most equitable distribution of the rate levy across the LGA.
4. In accordance with Section 566(3) of the Act, endorse the rate of interest payable on overdue rates and charges for the period 1 July 2021 to 30 June 2022 (inclusive) to be 1.5% per annum. It is noted that this is significantly lower than the 2020 OLG recommended maximum of 7%. Interest charges will continue to be waived for ratepayers that are experiencing financial hardship and apply for financial assistance under Council's Hardship Policy.
5. Note that the proposed Waste Fees and Charges for 2021/22 have been included in the Draft DPOP and are tabled to Council for endorsement in a separate report to this Strategy & Assets Committee Meeting.
6. Receive a report on feedback from the community on the Draft 2021/22 DPOP and Budget following the 28 days public exhibition period.

FOR: Clr Findley, Clr Gash, Clr Gartner, Clr Digiglio, Clr Levett, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Wells, Clr White, Clr Pakes, Clr Watson and Clr Kitchener

CARRIED

Note: A rescission motion was received on this item.

SA21.50 Policy - Petitions to Council

**HPERM Ref:
D21/39061**

Recommendation (Item to be determined under delegated authority)

That Council

1. Rescind MIN11.667.
2. Adopt the attached Draft Policy - Petitions to Council, POL20/48.
3. Amend the Code of Meeting Practice, POL19/27 at Clause 19.19 to read " The exact wording of petitions tabled at meetings of the Council shall be recorded in the minutes of that meeting. Petitions will be managed in accordance with the Council's Policy for Petitions."

RESOLVED (Clr Wells / Clr Pakes)

MIN21.192

That Council:

1. Rescind MIN11.667.
2. Adopt the attached Draft Policy - Petitions to Council, POL20/48.
3. Amend the Code of Meeting Practice, POL19/27 at Clause 19.19 to read " The exact wording of petitions tabled at meetings of the Council shall be recorded in the minutes of that meeting."

Petitions will be managed in accordance with the Council's Policy for Petitions."

CARRIED

SA21.51 Council Meeting Dates - Proposed Amendments

**HPERM Ref:
D21/98510**

Recommendation (Item to be determined under delegated authority)

That Council reschedule the following meetings:

1. Development & Environment Committee: from Tuesday 4 May 2021 to Tuesday 11 May 2021 commencing at 5.00pm
2. Strategy & Assets Committee: from Tuesday 11 May 2021 to Tuesday 18 May 2021 commencing at 5.00pm
3. Ordinary Meeting of Council: from Tuesday 22 June 2021 to Tuesday 29 June 2021 commencing at 5.00pm.

RESOLVED (Clr Pakes / Clr Gartner)

MIN21.193

That Council reschedule the following meetings:

1. Development & Environment Committee: from Tuesday 4 May 2021 to Tuesday 11 May 2021 commencing at 5.00pm
2. Strategy & Assets Committee: from Tuesday 11 May 2021 to Tuesday 18 May 2021 commencing at 5.00pm
3. Ordinary Meeting of Council: from Tuesday 22 June 2021 to Tuesday 29 June 2021 commencing at 5.00pm.

CARRIED

SA21.52 Re-establishment of Alcohol Free Zones - Nowra East, Shoalhaven Heads, Culburra Beach/Orient Point, Mollymook

**HPERM Ref:
D21/118179**

Recommendation (Item to be determined under delegated authority)

That:

1. Council proceed with the re-establishment process of the Alcohol Free Zones for a period of four (4) years in the areas of Nowra East, Shoalhaven Heads, Culburra Beach, Orient Point/Crookhaven and Mollymook including consultation with licensees in the surrounding areas;
2. Should no objections be received to the re-establishment of these zones, authority be given to staff to proceed with the declaration of the proposed areas as an Alcohol Free Zone, without further reference to Council.

RESOLVED (Clr Pakes / Clr White)

MIN21.194

That:

1. Council proceed with the re-establishment process of the Alcohol Free Zones (AFZ) for a period of four (4) years in the areas of Nowra East, Shoalhaven Heads, Culburra Beach, Orient Point/Crookhaven and Mollymook including consultation with licensees in the surrounding areas;

2. Should no objections be received to the re-establishment of these zones, authority be given to staff to proceed with the declaration of the proposed areas as an AFZ, without further reference to Council.
3. Council undertake an audit of the AFZ signage in these areas of the Shoalhaven.

CARRIED

**SA21.53 2020/2021 Council Borrowings - Loan Agreement -
Holiday Haven**

**HPERM Ref:
D21/128852**

Recommendation

That Council:

1. Enter into a loan agreement with Commonwealth Bank of Australia for the amount of \$3,590,000 with a term of 10 years @ 1.94% to cover Holiday Haven's borrowing requirements that were included in the 2020/21 Operational Plan.
2. Execute the following documents:
 - a. Letter of offer.
 - b. Authorised officer's certificate.
 - c. Drawdown notice.

RECOMMENDATION (Clr Wells / Clr Proudfoot)

That Council:

1. Enter into a loan agreement with Commonwealth Bank of Australia for the amount of \$3,590,000 with a term of 10 years @ 1.94% to cover Holiday Haven's borrowing requirements that were included in the 2020/21 Operational Plan.
2. Execute the following documents:
 - a. Letter of offer.
 - b. Authorised officer's certificate.
 - c. Drawdown notice.

CARRIED

**SA21.54 Report Back - Representations - Shoalhaven Hospital
Car Parking**

**HPERM Ref:
D21/84426**

Clr Proudfoot – less than significant non pecuniary interest declaration – “his daughter is a nurse at the hospital and there could be a perception of some form of favourable benefit towards his daughter” – remained in the room and took part in discussion and voted.

Recommendation (Item to be determined under delegated authority)

That Council receive the report on the outcome of representations regarding car parking associated with the Shoalhaven Hospital for information.

RESOLVED (Clr Proudfoot / Clr Gartner)

MIN21.195

That Council:

1. Receive the report on the outcome of representations regarding car parking associated with the Shoalhaven Hospital for information;

2. In conjunction with the Nurses Union, make further representations to the State Government advocating for an extension of free parking for staff for a set timeframe (eg. two (2) years) owing to overbearing construction and parking inhibitions in the township of Nowra.

CARRIED

SA21.55 Nowra-Bomaderry Bypass - Chronology

**HPERM Ref:
D21/119809**

Recommendation (Item to be determined under delegated authority)

That the report on the Nowra-Bomaderry Bypass – Chronology be received for information.

RESOLVED (Clr Gartner / Clr Gash)

MIN21.196

That the report on the Nowra-Bomaderry Bypass – Chronology be received for information.

CARRIED

SA21.56 Shoalhaven, the Economic Future

**HPERM Ref:
D21/114006**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept the report of the Shoalhaven, the Economic Future.
2. Establish a comprehensive position, with examples, of the impact of the Biodiversity Conservation Act on the pricing and development of employment lands in Shoalhaven and report this to a future Strategy and Assets Committee including:
 - a. Prepare a strategy to lobby the NSW Government to address the implications of the Biodiversity Conservation Act on employment lands.
 - b. Case studies of where the impacts were detrimental to the creation of employment within Shoalhaven.
3. Continue to foster and grow its industry base and concentrate on extending this diverse industry mix across the City so that a greater level of economic resilience can be delivered in periods of economic adversity.

RESOLVED (Clr White / Clr Proudfoot)

MIN21.197

That Council:

1. Accept the report of the Shoalhaven, the Economic Future.
2. Establish a comprehensive position, with examples, of the impact of the Biodiversity Conservation Act on the pricing and development of employment lands in Shoalhaven and report this to a future Strategy and Assets Committee including:
 - a. Prepare a strategy to lobby the NSW Government to address the implications of the Biodiversity Conservation Act on employment lands.
 - b. Case studies of where the impacts were detrimental to the creation of employment within Shoalhaven.
3. Continue to foster and grow its industry base and concentrate on extending this diverse industry mix across the City so that a greater level of economic resilience can be delivered in periods of economic adversity.

4. Investigate the initiative introduced by Sunshine Coast Council to acquire, manage and offset biodiversity assets in the 1990s as a strategy to enable City offsets to be used to enable development to occur for the 200,000 additional residents/workers that were planned to come to the Sunshine Coast. A report be prepared and come back to Council within three months.
5. Organise a Deputation with The Member for South Coast the Hon Shelley Hancock MP and The Hon Matt Kean MP, Minister for Environment to discuss issues pertaining to the Shoalhaven and State with the biodiversity offset scheme for zoned employment lands.
6. Councillors receive a Briefing from the Economic Development Manager to allow for questions in relation to this report.

FOR: Clr Wells, Clr Gash, Clr White, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Findley, Clr Digiglio and Clr Levett

CARRIED

Procedural Motion - Adjournment of Meeting

RESOLVED (Clr Wells / Clr Gartner)

MIN21.198

That the meeting be adjourned to allow for refreshments.

CARRIED

The meeting adjourned the time being 7.37pm.

The meeting reconvened the time being 8.02pm.

The following members were present:

Clr John Wells - Chairperson

Clr Amanda Findley

Clr Joanna Gash

Clr Patricia White

Clr Kaye Gartner

Clr Nina Digiglio

Clr John Levett

Clr Mitchell Pakes

Clr Greg Watson

Clr Mark Kitchener

Clr Bob Proudfoot

Mr Stephen Dunshea - Chief Executive Officer – arrived 8.03pm

SA21.57 Land Acquisition Matters - Cambewarra Locality

**HPERM Ref:
D21/75969**

Recommendation (Item to be determined under delegated authority)

That Council, in accordance with Section 10(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property acquisition matters associated with Cambewarra locality.

RESOLVED (Clr Gash / Clr Wells)

MIN21.199

That Council, in accordance with Section 10(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property acquisition matters associated with Cambewarra locality.

CARRIED

SA21.58 Proposed Licence - Council as Lessee from Wardens of the Anglican Parish of Ulladulla

**HPERM Ref:
D21/77497**

Recommendation

That Council:

1. Enter into a Licence agreement with Wardens of the Anglican Parish of Ulladulla for the carpark area of the Church grounds from 16 March 2021 to 14 February 2026 for an annual rent amount of \$3,000 + GST per annum;
2. Authorise the rent to be paid from Finance Project 101771 Southern Local Roads;
3. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

RECOMMENDATION (Clr Pakes / Clr Gartner)

That Council:

1. Enter into a Licence agreement with Wardens of the Anglican Parish of Ulladulla for the carpark area of the Church grounds from 16 March 2021 to 14 February 2026 for an annual rent amount of \$3,000 + GST per annum;
2. Authorise the rent to be paid from Finance Project 101771 Southern Local Roads;
3. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CARRIED

SA21.59 Appointment of Native Title Manager and Notification to Minister for Planning, Industry & Environment

**HPERM Ref:
D21/106791**

Recommendation

That Council:

1. Appoint Melissa Boundy – Senior Property Officer, Technical Services, City Services, as Shoalhaven City Council’s Native Title Manager;
2. Reconfirm appointment of the following relieving Native Title Managers in the absence of the Senior Property Officer, Technical Services, City Services:
 - a. Property Officer – Amanda Walker; and
 - b. Property Officer – Michelle Deudney.
3. Advise the Minister for Planning, Industry & Environment as required by Section 8.8 of the Crown Land Management Act 2016.

RECOMMENDATION (Clr Pakes / Clr Levett)

That Council:

1. Appoint Melissa Boundy – Senior Property Officer, Technical Services, City Services, as Shoalhaven City Council’s Native Title Manager;
2. Reconfirm appointment of the following relieving Native Title Managers in the absence of the Senior Property Officer, Technical Services, City Services:
 - a. Property Officer – Amanda Walker; and
 - b. Property Officer – Michelle Deudney.
3. Advise the Minister for Planning, Industry & Environment as required by Section 8.8 of the Crown land Management Act 2016.

CARRIED

SA21.60 Waste Services - Fees and Charges - Requested Percentage Increase

**HPERM Ref:
D21/120419**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt a 7% increase to all Waste Service Fees and Charges as listed in the draft 2021/22 DPOP Fees and Charges to:
 - a. Maintain all existing service levels
 - b. Continue current free vouchers for waste services
 - c. Provide two additional new green waste vouchers to the suite of free services
 - d. Maintain working capital
 - e. Deliver the 10 Year Capital Works Program, deferring the following projects and plant to 2022/23:
 - i. Huskisson Hardstand \$285k
 - ii. Huskisson Relocation Offices \$150k
 - iii. West Nowra Fence \$130k
 - iv. West Nowra Waste Handler \$400k
2. Note subsequent years fees and charges percentage increases:

If grant application is unsuccessful:

 - i. 2022/2023 – 7%
 - ii. 2023/2024 – 6%

If grant application is successful:

 - i. 2022/2023 – 5%
 - ii. 2023/2024 – 5%

MOTION (Clr Watson / Clr Pakes)

That the matter of item SA21.60 - Waste Services - Fees and Charges - Requested Percentage Increase be deferred to the Ordinary Meeting.

FOR: Clr Wells, Clr White, Clr Pakes, Clr Watson and Clr Kitchener

AGAINST: Clr Findley, Clr Gash, Clr Gartner, Clr Digiglio, Clr Levett, Clr Proudfoot and Stephen Dunshea

MOTION LOST

FORESHADOWED MOTION (RESOLVED) (Clr Gartner / Clr Gash)

MIN21.200

That Council:

1. Adopt a 7% increase to all Waste Service Fees and Charges as listed in the draft 2021/22 DPOP Fees and Charges to:
 - a. Maintain all existing service levels
 - b. Continue current free vouchers for waste services
 - c. Provide two additional new green waste vouchers to the suite of free services
 - d. Maintain working capital
 - e. Deliver the 10 Year Capital Works Program, deferring the following projects and plant to 2022/23:
 - i. Huskisson Hardstand \$285k
 - ii. Huskisson Relocation Offices \$150k
 - iii. West Nowra Fence \$130k
 - iv. West Nowra Waste Handler \$400k
2. Note subsequent years fees and charges percentage increases:

If grant application is unsuccessful:

 - i. 2022/2023 – 7%
 - ii. 2023/2024 – 6%

If grant application is successful:

 - i. 2022/2023 – 5%
 - ii. 2023/2024 – 5%

FOR: Clr Wells, Clr Findley, Clr Gash, Clr Gartner, Clr Digiglio, Clr Levett, Clr Pakes, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr White, Clr Watson and Clr Kitchener

CARRIED

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

SA21.61 Tenders - Supply Slow Speed Shredder

**HPERM Ref:
D21/110628**

RESOLVED* (Clr Findley / Clr Gartner)

MIN21.201

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

CARRIED

SA21.62 Tender - Hillcrest Avenue South Nowra - Road Rehabilitation **HPERM Ref: D21/106808**

RESOLVED* (Clr Findley / Clr Gartner) MIN21.202

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

CARRIED

SA21.63 Tenders - Demolition & Construction of an Accessible Boardwalk - Ray Brooks Reserve **HPERM Ref: D21/120979**

RESOLVED* (Clr Findley / Clr Gartner) MIN21.203

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

CARRIED

SA21.64 Shoalhaven Entertainment Centre Progress Update **HPERM Ref: D21/130644**

RESOLVED* (Clr Findley / Clr Gartner) MIN21.204

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

CARRIED

SA21.65 Nowra Showground - Potential Grants and Project Update **HPERM Ref: D21/48332**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept the Nowra Showground report for information.
2. Continue to advocate for funding for improvements at Nowra Showground to State and Federal Government.
3. Continue to collaborate with Nowra Show Society and other key stakeholders on the delivery of projects and developing grant applications.

RESOLVED (Clr Gartner / Clr White) MIN21.205

That Council:

1. Accept the Nowra Showground report for information.
2. Continue to advocate for funding for improvements at Nowra Showground to State and Federal Government.
3. Continue to collaborate with Nowra Show Society and other key stakeholders on the delivery of projects and developing grant applications.

CARRIED

SA21.66 Request for Plaques and Memorials - Plaques and Memorials Policy

**HPERM Ref:
D21/93797**

Recommendation (Item to be determined under delegated authority)

That Council:

1. As per the Plaques and Memorials Policy:
 - a. Approve the request for a new seat and plaque at Princess Street Reserve, Berry.
 - b. Approve the request for a replacement seat and plaque at Berry Showground within the Swimming Pool grounds, Berry
 - c. Approve the request for a plaque at Moona Moona Creek Reserve, Huskisson.
 - d. Approve the request for a plaque at Collingwood Beach Reserve, Vincentia.
 - e. Approve the request for a new seat and plaque at Matron Porter Drive / Narrawallee Inlet Reserve, Narrawallee.
 - f. Approve the request for a plaque at Bendalong Boat Ramp, Bendalong.
 - g. Approve the request for a new seat and plaque at Paradise Beach Reserve, (Sanctuary Point Public Reserve) Sanctuary Point.
 - h. Approve the request for a new seat and plaque at Booree Street Car Park, Ulladulla.
 - i. Approve the request for a new seat and plaque at Elliott Reserve, Currarong.
2. Advise the applicants of Council's determination of the requests.

RESOLVED (Clr Pakes / Clr White)

MIN21.206

That Council:

1. As per the Plaques and Memorials Policy:
 - a. Approve the request for a new seat and plaque at Princess Street Reserve, Berry.
 - b. Approve the request for a replacement seat and plaque at Berry Showground within the Swimming Pool grounds, Berry
 - c. Approve the request for a plaque at Moona Moona Creek Reserve, Huskisson.
 - d. Approve the request for a plaque at Collingwood Beach Reserve, Vincentia.
 - e. Approve the request for a new seat and plaque at Matron Porter Drive / Narrawallee Inlet Reserve, Narrawallee.
 - f. Approve the request for a plaque at Bendalong Boat Ramp, Bendalong.
 - g. Approve the request for a new seat and plaque at Paradise Beach Reserve, (Sanctuary Point Public Reserve) Sanctuary Point.
 - h. Approve the request for a new seat and plaque at Booree Street Car Park, Ulladulla.
 - i. Approve the request for a new seat and plaque at Elliott Reserve, Currarong.
2. Advise the applicants of Council's determination of the requests.

CARRIED

**SA21.67 Acceptance of Grant Funding - Everyone Can Play
2020/21 - Variety Livvi's Place Playspace Marriott Park**

**HPERM Ref:
D21/99342**

Recommendation (Item to be determined under delegated authority)

That Council receive this report for information on the successful funding application to Everyone Can Play 2020/21 for \$300,000 towards the delivery of Variety Livvi's Place Playspace, Marriott Park.

RESOLVED (Clr Pakes / Clr Findley)

MIN21.207

That Council receive this report for information on the successful funding application to Everyone Can Play 2020/21 for \$300,000 towards the delivery of Variety Livvi's Place Playspace, Marriott Park.

CARRIED

**SA21.68 Feasibility Report - Provision of Sewer to Tomerong
Village**

**HPERM Ref:
D21/85066**

Mr Stephen Dunshea - CEO – significant non pecuniary interest declaration “he is a home owner and resident of Tomerong” – left the room and did not take part in discussion or vote.

Recommendation

That Council include \$7.3 million for the Tomerong Sewerage Scheme (as a pressure sewer scheme) in the Sewer Capital Works Program, for completion in the 2028/29 financial year based on the following:

1. Design of the scheme to commence in 2026/27 and construction commence in 2027/28,
2. Noting that the scheme is not currently funded, review the sewer availability charge as part of the 2022/23 DPOP preparation to ensure the project is accommodated in the Long Term Financial Plan,
3. Shoalhaven Water to seek grant funding to assist with the financing of the scheme.

RECOMMENDATION (Clr Watson / Clr White)

That Council include \$7.3 million for the Tomerong Sewerage Scheme (as a pressure sewer scheme) in the Sewer Capital Works Program, for completion in the 2028/29 financial year based on the following:

1. Design of the scheme to commence in 2026/27 and construction commence in 2027/28,
2. Noting that the scheme is not currently funded, review the sewer availability charge as part of the 2022/23 DPOP preparation to ensure the project is accommodated in the Long Term Financial Plan,
3. The scheme also encompass any zoned land which has not been developed at this stage.
4. Shoalhaven Water to seek grant funding to assist with the financing of the scheme.

CARRIED

SA21.69 Shoalhaven Water Reclamation Annual Report 2019-20

**HPERM Ref:
D21/102117**

Note: Stephen Dunshea – CEO returned to the meeting.

Recommendation (Item to be determined under delegated authority)

That Council note the Shoalhaven Water Reclamation Annual Report 2019/20, and endorse its distribution to key stakeholders and make it available on Council's website.

RESOLVED (Clr Pakes / Clr White)

MIN21.208

That Council note the Shoalhaven Water Reclamation Annual Report 2019/20, and endorse its distribution to key stakeholders and make it available on Council's website.

CARRIED

**SA21.70 Australian Government Bureau of Meteorology -
National Performance Report 2019/20 Urban Water
Utilities**

**HPERM Ref:
D21/107858**

Recommendation (Item to be determined under delegated authority)

That Council receive the Australian Government Bureau of Meteorology National Performance Report 2019-20 for Urban Water Utilities for information be received for information in accordance with the Committee's delegated authority from Council.

RESOLVED (Clr Findley / Clr Digiglio)

MIN21.209

That Council receive the Australian Government Bureau of Meteorology National Performance Report 2019-20 for Urban Water Utilities for information be received for information in accordance with the Committee's delegated authority from Council.

CARRIED

**SA21.71 Evaluation of New Water Recycling Projects - Cost-
Benefit Framework**

**HPERM Ref:
D21/114445**

Clr Proudfoot – pecuniary interest declaration – “he is the president of the St Georges Basin Country Club who owns the Vincentia Golf Club which may benefit greatly from access to the REMS Scheme” – left the room and did not take part in discussion or vote.

Recommendation (Item to be determined under delegated authority)

That

1. Council adopt the Recycled Water Project Assessment Methodology for new water recycling projects as outlined in this report and in the attachment to this report.
2. The adopted assessment methodology be incorporated into Council's Reclaimed Water Policy.
3. Based on consultation, low feasibility and high costs, no further assessments regarding supply of reclaimed water to the Vincentia Golf Club be undertaken at this time.

RESOLVED (Clr Gash / Clr Pakes)

MIN21.210

That:

1. Council adopt the Recycled Water Project Assessment Methodology for new water recycling projects as outlined in this report and in the attachment to this report.
2. The adopted assessment methodology be incorporated into Council's Reclaimed Water Policy.
3. Based on consultation, low feasibility and high costs, no further assessments regarding supply of reclaimed water to the Vincentia Golf Club be undertaken at this time.

CARRIED

SA21.72 Payment of Dividend from Shoalhaven Water 2019-20

**HPERM Ref:
D21/116211**

Note: Clr Proudfoot returned to the meeting.

Recommendation

That Council

1. Determines substantial compliance with the *Best Practice Management of Water Supply and Sewerage Guidelines* has been achieved and the dividend will be paid from the Sewer Fund as declared in 2019-20.
2. Make representation to DPIE (Water) for exemption under the Best Practice Management Guidelines to pay a dividend from the Water Fund, and if successful seek advice as to a methodology for calculation of such dividend.

RECOMMENDATION (Clr Pakes / Clr White)

That Council:

1. Determines substantial compliance with the *Best Practice Management of Water Supply and Sewerage Guidelines* has been achieved and the dividend will be paid from the Sewer Fund as declared in 2019-20.
2. Make representation to DPIE (Water) for exemption under the Best Practice Management Guidelines to pay a dividend from the Water Fund, and if successful seek advice as to a methodology for calculation of such dividend.

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 Pakes / Clr White)

MIN21.211

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.

- CSA21.4 Land Acquisition Matters - Cambewarra Locality
Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)
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.
- CSA21.5 Tenders - Hillcrest Avenue South Nowra - Road Rehabilitation
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.
- CSA21.6 Tenders - Supply Slow Speed Shredder
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.
- CSA21.7 Tenders - Demolition & Construction of an Accessible Boardwalk - Ray Brooks Reserve
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.
- CSA21.8 Shoalhaven Entertainment Centre - Progress and Funding
Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)

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 8.22pm.

The meeting moved into open session, the time being 8.23pm.

REPORT FROM CONFIDENTIAL SESSION

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

CSA21.5 Tenders - Hillcrest Avenue South Nowra - Road Rehabilitation	HPERM Ref: D21/100094
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RESOLVED* MIN21.212C

That

1. Council endorses the recommendation of the Tender Evaluation Team and accepts the Tender from Downer EDI Works Pty Ltd for Hillcrest Avenue Pavement Rehabilitation (CH0.36km to CH1.35km) at a total cost of \$958,134.45 (excluding GST). Tender reference 66698E.
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the CEO (Director of City Services).

CARRIED

CSA21.6 Tenders - Supply Slow Speed Shredder	HPERM Ref: D21/108856
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RESOLVED* MIN21.213C

That

1. Council endorses the recommendation of the Tender Evaluation Team and accepts the Tender from GCM Enviro Pty Ltd for Supply of one Tana Shark Slow Speed Shredder at a total cost of \$1,005,000 (excluding GST). Tender reference 65541E/1
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the CEO (Director City Services).

CARRIED

CSA21.7 Tenders - Demolition & Construction of an Accessible Boardwalk - Ray Brooks Reserve

**HPERM Ref:
D21/120907**

RESOLVED*

MIN21.214C

That Council

1. In accordance with Section 178(1)(b) of the regulations declines to accept any Tender for Tender 66485E Demolition & Construction of an Accessible Boardwalk at Ray Brooks Reserve as tenders were higher than the available budget. The lowest conforming tender exceeded the budget by \$263,326.
2. That the CEO (Director City Services) consider completing some or all the work inhouse and negotiates with any or all Tenderers experienced in this type of work, in accordance with Clause 178(3)(e), and report back to Council accordingly.

CARRIED

Procedural Motion - Matters of Urgency

MOTION (Clr Watson / Clr Gartner)

That an additional item regarding the apparent creation of an easement on the Village Green at St Georges Basin be introduced as a matter of urgency.

The Chairperson ruled the matter as urgent as there has been a number of emails from the community.

SA21.73 Additional Item – Report Request - Creation of Easement on the Village Green - St Georges Basin (132 Island Point Road)

RESOLVED (Clr Levett / Clr Findley)

MIN21.215

That at the first available meeting the CEO (Shoalhaven Water) provides a report on the situation of the location of the easement (132 Island Point Road, St Georges Basin) and if it can be relocated to a different location so it doesn't interfere with the mature trees on the Village Green at St Georges Basin.

CARRIED

Note: A Rescission Motion was received in relation to SA21.49 - Draft Delivery Program Operational Plan and Budget 2021-2022 - Public Exhibition signed by Clr Pakes, Clr Watson & Clr Kitchener.

There being no further business, the meeting concluded, the time being 8.29pm.

Clr Wells
CHAIRPERSON