

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 29 June 2021
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr Joanna Gash
Clr Patricia White
Clr John Wells (Remotely)
Clr Kaye Gartner (Remotely)
Clr Nina Digiglio
Clr Annette Alldrick
Clr John Levett
Clr Andrew Guile
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener (Remotely) – left at 7.37pm
Clr Bob Proudfoot

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 Traditional Custodians by the Chairperson, followed with a Prayer by Reverend Toby Campbell and the playing of the Australian National Anthem.

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

RESOLVED (Clr Guile / Clr Alldrick) MIN21.389

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Tuesday 25 May 2021 be confirmed.

CARRIED

Declarations of Interest

Clr Proudfoot – CL21.114 – Notice of Motion – Councillor Bob Proudfoot – Significant non pecuniary interest declaration – the Motion seeks to give recognition to him – will remove himself from the formal proceedings of the meeting and will not take part in discussion or vote.

Clr Findley - SA21.115 - Local Government Remuneration Tribunal - Councillor and Mayoral Fees 2021/2022 - Superannuation Payments - significant pecuniary interest declaration – Will leave the room and not take part in discussion or vote – the Motion is to vote on her own payment alone.

MAYORAL MINUTE

MM21.14 Mayoral Minute - Financial Support - Dr Michael Davey

HPERM Ref:
D21/239301

Recommendation

That Council support Dr Michael Davey with some of his costs to ride around Australia on a postie bike – raising awareness for PTSD – with \$1000 from the unallocated donations budget.

RESOLVED (Clr Findley / Clr Alldrick)

MIN21.390

That Council support Dr Michael Davey with some of his costs to ride around Australia on a postie bike – raising awareness for PTSD – with \$1000 from the unallocated donations budget.

CARRIED

MM21.15 Mayoral Minute - Funding for Trauma and Protective Behaviours Project - \$1500

HPERM Ref:
D21/255730

Recommendation

That Shoalhaven City Council support *Big Fat Smile* with a financial donation of \$1500 from the unallocated donations budget to support them convening a conference for families and professionals to discuss trauma, protective behaviours and partnerships.

RESOLVED (Clr Findley / Clr Gash)

MIN21.391

That Shoalhaven City Council support *Big Fat Smile* with a financial donation of \$1500 from the unallocated donations budget to support them convening a conference for families and professionals to discuss trauma, protective behaviours and partnerships.

CARRIED

MM21.16 Mayoral Minute - Queens Birthday Honours - 2021

HPERM Ref:
D21/256164

Recommendation

That Council receive the report and endorse congratulatory letters to recipients.

RESOLVED (Clr Findley / Clr Proudfoot)

MIN21.392

That Council receive the report and endorse congratulatory letters to recipients.

CARRIED

DEPUTATIONS AND PRESENTATIONS

CL21.107 - Rescission Motion - DE21.43 Update - Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey

Joanne Warren, representing Huskisson Heritage Association, addressed the meeting and spoke in favour of the recommendation.

Natalie Nye addressed the meeting and spoke in favour of the recommendation.

Steve Bartlett addressed the meeting and spoke against the recommendation.

Aunty Jean Turner addressed this item later in the meeting and spoke in favour of the recommendation, see MIN21.394.

CL21.111 - Notice of Motion - Interim Heritage Order - Nowra Recreation Reserve

Bill Hancock addressed the meeting and spoke in favour of the recommendation.

CL21.128 - Delivery Program and Operational Plan, Budget 2021/22 - Exhibition Outcomes

Lexie Meyer, representing Red Head Villages Association, addressed the meeting and spoke in relation to the item.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr Alldrick)

MIN21.393

That the matters of the following items be brought forward for consideration:

- CL21.107 - Rescission Motion - DE21.43 Update - Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey
- CL21.111 - Notice of Motion - Interim Heritage Order - Nowra Recreation Reserve
- CL21.128 - Delivery Program and Operational Plan, Budget 2021/22 - Exhibition Outcomes

CARRIED

CL21.107 Rescission Motion - DE21.43 Update - Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey

HPERM Ref: D21/219334

Recommendation

That Council rescind the Motion relating to Item DE21.43 Update - Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey of the Council Meeting held on Tuesday 25 May 2021.

MOTION (Clr Levett / Clr Findley)

That Council rescind the Motion relating to Item DE21.43 Update - Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey of the Council Meeting held on Tuesday 25 May 2021.

PROCEDURAL MOTION (Clr Digiglio / Clr Levett)

That Aunty Jean Turner be invited to make a Deputation.

PROCEDURAL MOTION CARRIED

Note: Aunty Jean Turner addressed the meeting and spoke in favour of the recommendation.

MOTION (Clr Levett / Clr Findley)

MIN21.394

That Council rescind the Motion relating to Item DE21.43 Update - Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey of the Council Meeting held on Tuesday 25 May 2021.

FOR: Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett and Clr Proudfoot

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

LOST

**CL21.108 Notice of Motion - DE21.43 Update - Planning Proposal
PP050 - Former Anglican Church, Huskisson - Ground
Penetrating Radar Survey**

**HPERM Ref:
D21/219346**

Note: this item was not dealt with as the Rescission Motion was lost, see MIN21.394.

Recommendation

That

1. Council not proceed with any further investigations to validate the existence of indigenous and other graves on the sites as found by the ground penetrating radar, given that any further investigations made be contrary to the cultural traditions of Indigenous people who have occupied Australia in excess of 60,000 years.
2. Council accept the analysis that has been undertaken by Hunter Geophysics recording a high confidence of over 50 graves across the sites at Huskisson.
3. Precautionary Principles be applied to the application.

**CL21.111 Notice of Motion - Interim Heritage Order - Nowra
Recreation Reserve**

**HPERM Ref:
D21/251630**

Recommendation

That Council

1. Engage a heritage consultant to investigate the heritage significance of Lot 104 DP1165533, Nowra Park
2. Receive a report on the outcomes of the investigation to enable appropriate consideration of a possible way forward, including the possible use of an Interim Heritage Order.

MOTION (Clr Digiglio / Clr Levett)

That Council:

1. Engage a heritage consultant to investigate the heritage significance of Lot 104 DP1165533, Nowra Park
2. Receive a report on the outcomes of the investigation to enable appropriate consideration of a possible way forward, including the possible use of an Interim Heritage Order.

FOR: Clr Findley, Clr Gartner, Clr Digiglio and Clr Levett

AGAINST: Clr Gash, Clr White, Clr Wells, Clr Alldrick, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

LOST

**CL21.128 Delivery Program and Operational Plan, Budget 2021/22
- Exhibition Outcomes**

**HPERM Ref:
D21/211843**

Recommendation

That having considered the submissions received as part of the exhibition process for the Draft Delivery Program and Operational Plan 2021/22 including Budget, Capital Works Program and Fees and Charges, Council:

1. Adopt the 2021/22 Delivery Program and Operational Plan and Budget inclusive of the following changes:
 - a. Revision of the capital works listing as outlined in Attachment 4.
 - b. Include the following projects in the 2021/22 Capital Works Program identified in Table 1:
 - i. Dolphin Point Road footpath - \$10,000 Design & Approvals (\$100,000 Construction in 2022/23)
 - ii. Main Road Cambewarra Footpath extension - \$40,000
 - iii. Bingarra Lane, Bangalee Sacrificial seal - \$42,000
 - iv. Callala Beach Road Boardwalk/Pathway Detailed Design - \$50,000
 - c. Note that the additional \$10M Special Local Roads Improvement Program to be included in 2021/22 Delivery Program and Operational Plan and Budget subject to Council endorsement of the recommendation outlined in "Special Local Roads Improvement Program" report.
 - d. Note that the budget will remain flexible and might be subject to change particularly given that Council is yet to be notified about the outcome of Bushfire Local Economic Recovery (BLER) grant applications.
2. Adopt the 2021/22 Fees and Charges Part 1 and Part 2 with the following changes:
 - a. Include new fee "Voluntary Planning Agreement (VPA)" and "Works-in-kind Agreement (WIKa)" of \$280 per application lodged with Council (MIN21.2)
3. Resolve to make the following rates and charges in accordance with Section 535 of the Local Government Act 1993 inclusive of a 2.0% rate increase:
 - a. Make an Ordinary Rate, consisting of an ad valorem rate of 0.18112c for each dollar of rateable land value in addition to a base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment, under Section 537 of the Local Government Act 1993, on all rateable land categorised as "Residential", in accordance with Section 516, for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named "RESIDENTIAL".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment for the "RESIDENTIAL" category will not produce more than 50% of the total amount payable by the levying of the "RESIDENTIAL" rate in accordance with Section 537(b) [base amount percentage is 49.94%].
 - b. Make an Ordinary Rate, consisting of an ad valorem rate of 0.37285c for each dollar of rateable land value, in accordance with Section 518 of the Local Government Act 1993: "Land is to be categorised as 'business' if it cannot be categorised as farmland, residential or mining". Excepting all rateable land in the subcategories of Commercial/Industrial and Nowra, an ordinary rate be now made for the period of 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named "BUSINESS".
 - c. Make an Ordinary Rate, consisting of an ad valorem rate of 0.15010c for each dollar of rateable land value in addition to a base amount of six hundred and sixty-eight dollars

(\$668.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land categorised as “Farmland”, in accordance with Section 515, for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named “FARMLAND”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment for the “FARMLAND” category will not produce more than 50% of the total amount payable by the levying of the “FARMLAND” rate in accordance with Section 537 (b) [base amount percentage is 24.61%].

- d. Make an Ordinary Rate, consisting of an ad valorem rate of 0.18112c for each dollar of rateable land value in addition to a base amount of forty-seven dollars (\$47.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land which is zoned so as not to permit any building (i.e.; Small Lot Rural Subdivisions) and categorised as “Residential”, in accordance with Section 516, sub category “NON-URBAN”, in accordance with Section 529(2)(b), for the period 1 July 2021 to 30 June 2022, and in accordance with Section 543(1), this rate be named “RESIDENTIAL NON-URBAN”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of forty-seven dollars (\$47.00) per rateable assessment for the “RESIDENTIAL NON-URBAN” category will not produce more than 50% of the total amount payable by the levying of the “RESIDENTIAL NON-URBAN” rate in accordance with Section 537(b) [base amount percentage is 40.09%].

- e. Make an Ordinary Rate, consisting of an ad valorem rate of 0.56420c for each dollar of rateable land value in addition to a base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land determined to be a centre of activity and categorised as “Business”, in accordance with Section 518, sub-category “NOWRA”, in accordance with Section 529(2)(d), for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named “BUSINESS NOWRA”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment for the “BUSINESS NOWRA” subcategory will not produce more than 50% of the total amount payable by the levying of the “BUSINESS NOWRA” rate in accordance with Section 537(b) [base amount percentage is 15.78%].

- f. Make an Ordinary Rate, consisting of an ad valorem rate of 0.26240c for each dollar of rateable land value in addition to a base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land used or zoned for professional/commercial trade or industrial purposes, determined to be a centre of activity and categorised as “Business”, in accordance with Section 518, sub category “COMMERCIAL/INDUSTRIAL”, in accordance with Section 529(2)(d), for the period of 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named “BUSINESS COMMERCIAL/INDUSTRIAL”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment for the “BUSINESS –COMMERCIAL/INDUSTRIAL” category will not produce more than 50% of the total amount payable by the levying of the “BUSINESS – COMMERCIAL/INDUSTRIAL” rate in accordance with Section 537(b) [base amount percentage is 30.59%].

- g. Make an Ordinary Rate, consisting of an ad valorem rate of 0.07640c for each dollar of rateable land value in addition to a base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment, in accordance with Section 537 of the Local

Government Act 1993, on all rateable land categorised as “Farmland”, in accordance with Section 515, sub category “DAIRY FARMERS”, in accordance with Section 529(2)(a), for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named “FARMLAND - DAIRY FARMERS”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment for the “FARMLAND – DAIRY FARMERS” category will not produce more than 50% of the total amount payable by the levying of the “FARMLAND – DAIRY FARMERS” rate in accordance with Section 537(b) [base amount percentage is 32.89%].

- h. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.62359c for each dollar of rateable land value in addition to a base amount of two thousand six hundred and seventy-four dollars (\$2,674.00), for the cost of road upgrades required to enable property owners to develop their allotments in the Verons Estate. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties with building entitlement within the Verons Estate which, in the opinion of Council, derive special benefit and are subject to this rate, in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named “VERONS ROAD UPGRADE SPECIAL RATE – DWELLING POTENTIAL”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of two thousand six hundred and seventy-four dollars (\$2,674.00) per rateable assessment for the “VERONS ROAD UPGRADE SPECIAL RATE – DWELLING POTENTIAL” will not produce more than 50% of the total amount payable by the levying of the “VERONS ROAD UPGRADE SPECIAL RATE – DWELLING POTENTIAL” in accordance with Section 537(b) [base amount percentage is 49.98%].

- i. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.14010c for each dollar of rateable land value in addition to a base amount of two hundred and ninety-eight dollars (\$298.00), for the cost of the road upgrades in the Verons Estate. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties without building entitlement within the Verons Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named “VERONS ROAD UPGRADE SPECIAL RATE – NO DWELLING POTENTIAL”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of two hundred and ninety-eight dollars (\$298.00) per rateable assessment for the “VERONS ROAD UPGRADE SPECIAL RATE – NO DWELLING POTENTIAL” will not produce more than 50% of the total amount payable by the levying of the “VERONS ROAD UPGRADE SPECIAL RATE – NO DWELLING POTENTIAL” in accordance with Section 537(b) [base amount percentage is 50.00%].

- j. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.11677c for each dollar of rateable land value in addition to a base amount of one hundred and twenty-one dollars (\$121.00) for the cost associated with the Nebraska road construction project. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties within the Nebraska Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named “NEBRASKA ROAD CONSTRUCTION SPECIAL RATE”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of one hundred and twenty-one dollars (\$121.00) per rateable assessment for the “NEBRASKA ROAD CONSTRUCTION SPECIAL RATE” will not produce more than 50% of the total amount payable by the levying of the “NEBRASKA

ROAD CONSTRUCTION SPECIAL RATE” in accordance with Section 537(b) [base amount percentage is 49.80%].

- k. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.43161c for each dollar of rateable land value in addition to a base amount of one thousand one hundred and four dollars (\$1,104.00) for the cost associated with the Jerberra road infrastructure project. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties within the Jerberra Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named “JERBERRA ROAD INFRASTRUCTURE SPECIAL RATE”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of one thousand one hundred and four dollars (\$1,104.00) per rateable assessment for the “JERBERRA ROAD INFRASTRUCTURE SPECIAL RATE” will not produce more than 50% of the total amount payable by the levying of the “JERBERRA ROAD INFRASTRUCTURE SPECIAL RATE” in accordance with Section 53 (b) [base amount percentage is 49.97%].

- l. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.14563c for each dollar of rateable land value in addition to a base amount of three hundred and seventy-two dollars (\$372.00) per rateable assessment for the cost associated with the Jerberra electricity infrastructure project. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties within the Jerberra Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named “JERBERRA ELECTRICITY INFRASTRUCTURE SPECIAL RATE”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of three hundred and seventy-two dollars (\$372.00) per rateable assessment for the “JERBERRA ELECTRICITY INFRASTRUCTURE SPECIAL RATE” will not produce more than 50% of the total amount payable by the levying of the “JERBERRA ELECTRICITY INFRASTRUCTURE SPECIAL RATE” in accordance with Section 537(b) [base amount percentage is 49.94%].

- m. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.88193c for each dollar of rateable land value in addition to a base amount of two hundred fifty-seven dollars (\$257.00) per rateable assessment for the cost associated with the Jerberra Road E2 infrastructure project. In accordance with Section 495(1) the special rate is to be levied only on those rateable properties within the Jerberra Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named “JERBERRA ROAD E2 SPECIAL RATE”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of two hundred fifty-seven dollars (\$257.00) per rateable assessment for the “JERBERRA ROAD E2 SPECIAL RATE” will not produce more than 50% of the total amount payable by the levying of the “JERBERRA ROAD E2 SPECIAL RATE” in accordance with Section 537(b) [base amount percentage is 49.85%].

- n. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.03167c for each dollar of rateable land value to meet the costs of business promotions for the Sussex Inlet area and surrounds, in accordance with Section 495(1), which in the opinion of Council is of special benefit to the rateable assessments subject to the rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named “SUSSEX AREA SPECIAL RATE”.

- o. Make an Annual Charge for Water Usage and Water Availability, in accordance with Section 502 and 552(1) (a) and (b), for the period 1 July 2021 to 30 June 2022, comprising a Water Usage Charge of \$1.80 per kilolitre for all residential, commercial and Community Service Obligation categorised properties and a Water Availability Charge based on water meter size:

Size of Water Meter Service Connection	Charge 2021/22
20 mm (all residential customers)	\$84
25 mm	\$136
32mm	\$220
40mm	\$344
50mm	\$540
80mm	\$1,376
100mm	\$2,152
150mm	\$4,836
200mm	\$8,600

Properties with multiple water meter service connections will be levied an availability charge for each connection. In accordance with Section 552 of the Local Government Act 1993, any vacant land where the service is available will be levied an availability charge.

The charges be named “WATER USAGE CHARGE” and “WATER AVAILABILITY CHARGE”, in accordance with Section 543(3).

- p. Make an Annual Charge for Wastewater Usage and Wastewater Availability, in accordance with Section 502 and 552(3), for the period 1 July 2021 to 30 June 2022, comprising a Sewer Usage Charge of \$1.90 per kilolitre for all residential, commercial and Community Service Obligation categorised properties and a Sewer Availability Charge based on water meter size:

Size of Water Meter Service Connection	Charge 2021/22
20 mm	\$892
25 mm	\$1,244
32mm	\$1,900
40mm	\$2,520
50mm	\$3,564
80mm	\$7,352
100mm	\$10,540
150mm	\$18,164
200mm	\$28,180

Properties with multiple water meter service connections will be levied a wastewater availability charge for each connection. In accordance with Section 552 of the Local Government Act 1993, any vacant land where the service is available will be levied an availability charge.

The charges be named “WASTEWATER USAGE CHARGE” and “WASTEWATER AVAILABILITY CHARGE”, in accordance with Section 543(3).

- q. Make an Annual Charge for the availability of a Domestic Waste Management Service, pursuant to Sections 496 and 501 of the Local Government Act 1993, for the period 1 July 2021 to 30 June 2022, on all rateable properties categorised as residential for rating

purposes and comprising of a building which is deemed to be a dwelling and located within the defined (urban) waste collection area.

The amount for the standard residential domestic waste management service be \$412 for one 120 litre mobile garbage bin (MGB) for landfill waste and one 240 litre MGB for recycling. The landfill bin is collected weekly and recycling bin is collected fortnightly. For a higher annual charge of \$717, the 120-litre landfill bin may be substituted for a 240-litre landfill bin. For a lower annual charge of \$313, the 120-litre landfill bin may be substituted for an 80-litre landfill bin.

In accordance with Section 543(3), the charge be named "DOMESTIC WASTE MANAGEMENT CHARGE".

- r. Make an Annual Charge for a Rural Domestic Waste Collection Service, pursuant to Sections 496 and 501 of the Local Government Act 1993, for the period 1 July 2021 to 30 June 2022, on rateable properties comprising of a building which is deemed to be a dwelling and located outside of the defined (urban) waste collection area and opt for the rural domestic waste collection service.

The amount for the rural domestic waste collection service be \$412 for one 120 litre mobile garbage bin (MGB) for landfill waste and one 240 litre MGB for recycling. The landfill bin is collected weekly, and the recycling is collected fortnightly. For a higher annual charge of \$717, the 120-litre landfill bin may be substituted for a 240-litre landfill bin. For a lower annual charge of \$313, the 120-litre landfill bin may be substituted for an 80-litre landfill bin.

In accordance with Section 543(3), the charge be named "RURAL DOMESTIC WASTE COLLECTION CHARGE".

- s. Make an Annual Charge, pursuant to Section 496 of the Local Government Act 1993, for the period 1 July 2021 to 30 June 2022, of \$89 per assessment for administration and new works associated with future provision of domestic waste management services. The charge to be applied to any domestic assessments which have any boundary adjacent to a road receiving an urban domestic waste management service and
 - i. Does not have a dwelling situated thereon, or
 - ii. The closest point of the dwelling is 100 metres or more from the boundary of the road and the ratepayer chooses not to receive a domestic waste management service.

In accordance with Section 543(3), the charge be named "VACANT LAND SERVICE AVAILABILITY CHARGE".

- t. Make an Annual Charge for Stormwater Management Services, pursuant to Section 496A of the Local Government Act 1993, for the period 1 July 2021 to 30 June 2022, of \$25.00 per eligible residential or business rate assessment and \$12.50 per strata assessment. In accordance with Section 543(3), the charge be named "STORMWATER MANAGEMENT SERVICE CHARGE".
- u. Make an Interest Rate of 1.5%, pursuant to Section 566(3) of the Local Government Act 1993, for the period 1 July 2021 to 30 June 2022 (inclusive), which does not exceed the maximum interest rate chargeable on overdue rates and charges, accruing daily on a simple interest basis.

4. Update the 2021/22 Delivery Program and Operational Plan to incorporate an additional \$10 million of capital budget allocated to the Special Local Roads Improvement Program.
5. Thank the community for providing their submissions as part of the exhibition process and provide a response to each submission, outlining the outcome and actions undertaken relating to the issues raised.

RESOLVED (Clr White / Clr Gash)

MIN21.395

That having considered the submissions received as part of the exhibition process for the Draft Delivery Program and Operational Plan 2021/22 including Budget, Capital Works Program and Fees and Charges, Council:

1. Adopt the 2021/22 Delivery Program and Operational Plan and Budget inclusive of the following changes:
 - a. Revision of the capital works listing as outlined in Attachment 4.
 - b. Include the following projects in the 2021/22 Capital Works Program identified in Table 1:
 - i. Dolphin Point Road footpath - \$10,000 Design & Approvals (\$100,000 Construction in 2022/23)
 - ii. Main Road Cambewarra Footpath extension - \$40,000
 - iii. Bingarra Lane, Bangalee Sacrificial seal - \$42,000
 - iv. Callala Beach Road Boardwalk/Pathway Detailed Design - \$50,000
 - v. Red Head Villages Association - Masterplan - \$50,000
 - vi. Bring forward funding from the 2022/2023 Special Rate Variation for sporting fields maintenance and upgrades for completion of the drainage works on the final southern playing field, Crookhaven Heads Playing fields.
 - vii. Allocate \$100,000 in the 2021/2022 budget to undertake a detailed design process to replace the current Crookhaven Heads Playing fields canteen, change rooms and toilets facility.
 - c. Note that the additional \$10M Special Local Roads Improvement Program to be included in 2021/22 Delivery Program and Operational Plan and Budget subject to Council endorsement of the recommendation outlined in "Special Local Roads Improvement Program" report.
 - d. Note that the budget will remain flexible and might be subject to change particularly given that Council is yet to be notified about the outcome of Bushfire Local Economic Recovery (BLER) grant applications.
2. Adopt the 2021/22 Fees and Charges Part 1 and Part 2 with the following changes:
 - a. Include new fee "Voluntary Planning Agreement (VPA)" and "Works-in-kind Agreement (WIKa)" of \$280 per application lodged with Council (MIN21.2)
3. Resolve to make the following rates and charges in accordance with Section 535 of the Local Government Act 1993 inclusive of a 2.0% rate increase:
 - a. Make an Ordinary Rate, consisting of an ad valorem rate of 0.18112c for each dollar of rateable land value in addition to a base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment, under Section 537 of the Local Government Act 1993, on all rateable land categorised as "Residential", in accordance with Section 516, for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named "RESIDENTIAL".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment for the "RESIDENTIAL" category will not produce more than 50% of the total amount payable by the levying of the "RESIDENTIAL" rate in accordance with Section 537(b) [base amount percentage is 49.94%].
 - b. Make an Ordinary Rate, consisting of an ad valorem rate of 0.37285c for each dollar of rateable land value, in accordance with Section 518 of the Local Government Act 1993: "Land is to be categorised as 'business' if it cannot be categorised as farmland, residential or mining". Excepting all rateable land in the subcategories of Commercial/Industrial and

Nowra, an ordinary rate be now made for the period of 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named "BUSINESS".

- c. Make an Ordinary Rate, consisting of an ad valorem rate of 0.15010c for each dollar of rateable land value in addition to a base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land categorised as "Farmland", in accordance with Section 515, for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named "FARMLAND".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment for the "FARMLAND" category will not produce more than 50% of the total amount payable by the levying of the "FARMLAND" rate in accordance with Section 537 (b) [base amount percentage is 24.61%].

- d. Make an Ordinary Rate, consisting of an ad valorem rate of 0.18112c for each dollar of rateable land value in addition to a base amount of forty-seven dollars (\$47.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land which is zoned so as not to permit any building (i.e.; Small Lot Rural Subdivisions) and categorised as "Residential", in accordance with Section 516, sub category "NON-URBAN", in accordance with Section 529(2)(b), for the period 1 July 2021 to 30 June 2022, and in accordance with Section 543(1), this rate be named "RESIDENTIAL NON-URBAN".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of forty-seven dollars (\$47.00) per rateable assessment for the "RESIDENTIAL NON-URBAN" category will not produce more than 50% of the total amount payable by the levying of the "RESIDENTIAL NON-URBAN" rate in accordance with Section 537(b) [base amount percentage is 40.09%].

- e. Make an Ordinary Rate, consisting of an ad valorem rate of 0.56420c for each dollar of rateable land value in addition to a base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land determined to be a centre of activity and categorised as "Business", in accordance with Section 518, sub-category "NOWRA", in accordance with Section 529(2)(d), for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named "BUSINESS NOWRA".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment for the "BUSINESS NOWRA" subcategory will not produce more than 50% of the total amount payable by the levying of the "BUSINESS NOWRA" rate in accordance with Section 537(b) [base amount percentage is 15.78%].

- f. Make an Ordinary Rate, consisting of an ad valorem rate of 0.26240c for each dollar of rateable land value in addition to a base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land used or zoned for professional/commercial trade or industrial purposes, determined to be a centre of activity and categorised as "Business", in accordance with Section 518, sub category "COMMERCIAL/INDUSTRIAL", in accordance with Section 529(2)(d), for the period of 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named "BUSINESS COMMERCIAL/INDUSTRIAL".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment for the "BUSINESS –COMMERCIAL/INDUSTRIAL" category will not produce more than 50% of the total amount payable by the levying of the "BUSINESS – COMMERCIAL/INDUSTRIAL" rate in accordance with Section 537(b) [base amount

percentage is 30.59%].

- g. Make an Ordinary Rate, consisting of an ad valorem rate of 0.07640c for each dollar of rateable land value in addition to a base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land categorised as "Farmland", in accordance with Section 515, sub category "DAIRY FARMERS", in accordance with Section 529(2)(a), for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(1), this rate be named "FARMLAND - DAIRY FARMERS".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and sixty-eight dollars (\$668.00) per rateable assessment for the "FARMLAND – DAIRY FARMERS" category will not produce more than 50% of the total amount payable by the levying of the "FARMLAND – DAIRY FARMERS" rate in accordance with Section 537(b) [base amount percentage is 32.89%].

- h. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.62359c for each dollar of rateable land value in addition to a base amount of two thousand six hundred and seventy-four dollars (\$2,674.00), for the cost of road upgrades required to enable property owners to develop their allotments in the Verons Estate. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties with building entitlement within the Verons Estate which, in the opinion of Council, derive special benefit and are subject to this rate, in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named "VERONS ROAD UPGRADE SPECIAL RATE – DWELLING POTENTIAL".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of two thousand six hundred and seventy-four dollars (\$2,674.00) per rateable assessment for the "VERONS ROAD UPGRADE SPECIAL RATE – DWELLING POTENTIAL" will not produce more than 50% of the total amount payable by the levying of the "VERONS ROAD UPGRADE SPECIAL RATE – DWELLING POTENTIAL" in accordance with Section 537(b) [base amount percentage is 49.98%].

- i. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.14010c for each dollar of rateable land value in addition to a base amount of two hundred and ninety-eight dollars (\$298.00), for the cost of the road upgrades in the Verons Estate. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties without building entitlement within the Verons Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named "VERONS ROAD UPGRADE SPECIAL RATE – NO DWELLING POTENTIAL".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of two hundred and ninety-eight dollars (\$298.00) per rateable assessment for the "VERONS ROAD UPGRADE SPECIAL RATE – NO DWELLING POTENTIAL" will not produce more than 50% of the total amount payable by the levying of the "VERONS ROAD UPGRADE SPECIAL RATE – NO DWELLING POTENTIAL" in accordance with Section 537(b) [base amount percentage is 50.00%].

- j. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.11677c for each dollar of rateable land value in addition to a base amount of one hundred and twenty-one dollars (\$121.00) for the cost associated with the Nebraska road construction project. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties within the Nebraska Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named "NEBRASKA ROAD CONSTRUCTION SPECIAL RATE".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of one hundred and twenty-one dollars (\$121.00) per rateable assessment for the "NEBRASKA ROAD CONSTRUCTION SPECIAL RATE" will not produce more than 50% of the total amount payable by the levying of the "NEBRASKA ROAD CONSTRUCTION SPECIAL RATE" in accordance with Section 537(b) [base amount percentage is 49.80%].

- k. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.43161c for each dollar of rateable land value in addition to a base amount of one thousand one hundred and four dollars (\$1,104.00) for the cost associated with the Jerberra road infrastructure project. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties within the Jerberra Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named "JERBERRA ROAD INFRASTRUCTURE SPECIAL RATE".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of one thousand one hundred and four dollars (\$1,104.00) per rateable assessment for the "JERBERRA ROAD INFRASTRUCTURE SPECIAL RATE" will not produce more than 50% of the total amount payable by the levying of the "JERBERRA ROAD INFRASTRUCTURE SPECIAL RATE" in accordance with Section 53 (b) [base amount percentage is 49.97%].

- l. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.14563c for each dollar of rateable land value in addition to a base amount of three hundred and seventy-two dollars (\$372.00) per rateable assessment for the cost associated with the Jerberra electricity infrastructure project. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties within the Jerberra Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named "JERBERRA ELECTRICITY INFRASTRUCTURE SPECIAL RATE".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of three hundred and seventy-two dollars (\$372.00) per rateable assessment for the "JERBERRA ELECTRICITY INFRASTRUCTURE SPECIAL RATE" will not produce more than 50% of the total amount payable by the levying of the "JERBERRA ELECTRICITY INFRASTRUCTURE SPECIAL RATE" in accordance with Section 537(b) [base amount percentage is 49.94%].

- m. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.88193c for each dollar of rateable land value in addition to a base amount of two hundred fifty-seven dollars (\$257.00) per rateable assessment for the cost associated with the Jerberra Road E2 infrastructure project. In accordance with Section 495(1) the special rate is to be levied only on those rateable properties within the Jerberra Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named "JERBERRA ROAD E2 SPECIAL RATE".

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of two hundred fifty-seven dollars (\$257.00) per rateable assessment for the "JERBERRA ROAD E2 SPECIAL RATE" will not produce more than 50% of the total amount payable by the levying of the "JERBERRA ROAD E2 SPECIAL RATE" in accordance with Section 537(b) [base amount percentage is 49.85%].

- n. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.03167c for each dollar of rateable land value to meet the costs of business promotions

for the Sussex Inlet area and surrounds, in accordance with Section 495(1), which in the opinion of Council is of special benefit to the rateable assessments subject to the rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2021 to 30 June 2022 and, in accordance with Section 543(2), this rate be named “SUSSEX AREA SPECIAL RATE”.

- o. Make an Annual Charge for Water Usage and Water Availability, in accordance with Section 502 and 552(1) (a) and (b), for the period 1 July 2021 to 30 June 2022, comprising a Water Usage Charge of \$1.80 per kilolitre for all residential, commercial and Community Service Obligation categorised properties and a Water Availability Charge based on water meter size:

Size of Water Meter Service Connection	Charge 2021/22
20 mm (all residential customers)	\$84
25 mm	\$136
32mm	\$220
40mm	\$344
50mm	\$540
80mm	\$1,376
100mm	\$2,152
150mm	\$4,836
200mm	\$8,600

Properties with multiple water meter service connections will be levied an availability charge for each connection. In accordance with Section 552 of the Local Government Act 1993, any vacant land where the service is available will be levied an availability charge.

The charges be named “WATER USAGE CHARGE” and “WATER AVAILABILITY CHARGE”, in accordance with Section 543(3).

- p. Make an Annual Charge for Wastewater Usage and Wastewater Availability, in accordance with Section 502 and 552(3), for the period 1 July 2021 to 30 June 2022, comprising a Sewer Usage Charge of \$1.90 per kilolitre for all residential, commercial and Community Service Obligation categorised properties and a Sewer Availability Charge based on water meter size:

Size of Water Meter Service Connection	Charge 2021/22
20 mm	\$892
25 mm	\$1,244
32mm	\$1,900
40mm	\$2,520
50mm	\$3,564
80mm	\$7,352
100mm	\$10,540
150mm	\$18,164
200mm	\$28,180

Properties with multiple water meter service connections will be levied a wastewater availability charge for each connection. In accordance with Section 552 of the Local Government Act 1993, any vacant land where the service is available will be levied an availability charge.

The charges be named “WASTEWATER USAGE CHARGE” and “WASTEWATER AVAILABILITY CHARGE”, in accordance with Section 543(3).

- q. Make an Annual Charge for the availability of a Domestic Waste Management Service, pursuant to Sections 496 and 501 of the Local Government Act 1993, for the period 1 July 2021 to 30 June 2022, on all rateable properties categorised as residential for rating purposes and comprising of a building which is deemed to be a dwelling and located within the defined (urban) waste collection area.

The amount for the standard residential domestic waste management service be \$412 for one 120 litre mobile garbage bin (MGB) for landfill waste and one 240 litre MGB for recycling. The landfill bin is collected weekly and recycling bin is collected fortnightly. For a higher annual charge of \$717, the 120-litre landfill bin may be substituted for a 240-litre landfill bin. For a lower annual charge of \$313, the 120-litre landfill bin may be substituted for an 80-litre landfill bin.

In accordance with Section 543(3), the charge be named “DOMESTIC WASTE MANAGEMENT CHARGE”.

- r. Make an Annual Charge for a Rural Domestic Waste Collection Service, pursuant to Sections 496 and 501 of the Local Government Act 1993, for the period 1 July 2021 to 30 June 2022, on rateable properties comprising of a building which is deemed to be a dwelling and located outside of the defined (urban) waste collection area and opt for the rural domestic waste collection service.

The amount for the rural domestic waste collection service be \$412 for one 120 litre mobile garbage bin (MGB) for landfill waste and one 240 litre MGB for recycling. The landfill bin is collected weekly, and the recycling is collected fortnightly. For a higher annual charge of \$717, the 120-litre landfill bin may be substituted for a 240-litre landfill bin. For a lower annual charge of \$313, the 120-litre landfill bin may be substituted for an 80-litre landfill bin.

In accordance with Section 543(3), the charge be named “RURAL DOMESTIC WASTE COLLECTION CHARGE”.

- s. Make an Annual Charge, pursuant to Section 496 of the Local Government Act 1993, for the period 1 July 2021 to 30 June 2022, of \$89 per assessment for administration and new works associated with future provision of domestic waste management services. The charge to be applied to any domestic assessments which have any boundary adjacent to a road receiving an urban domestic waste management service and
- i. Does not have a dwelling situated thereon, or
 - ii. The closest point of the dwelling is 100 metres or more from the boundary of the road and the ratepayer chooses not to receive a domestic waste management service.

In accordance with Section 543(3), the charge be named “VACANT LAND SERVICE AVAILABILITY CHARGE”.

- t. Make an Annual Charge for Stormwater Management Services, pursuant to Section 496A of the Local Government Act 1993, for the period 1 July 2021 to 30 June 2022, of \$25.00 per eligible residential or business rate assessment and \$12.50 per strata assessment. In accordance with Section 543(3), the charge be named “STORMWATER MANAGEMENT SERVICE CHARGE”.
- u. Make an Interest Rate of 1.5%, pursuant to Section 566(3) of the Local Government Act 1993, for the period 1 July 2021 to 30 June 2022 (inclusive), which does not exceed the maximum interest rate chargeable on overdue rates and charges, accruing daily on a simple interest basis.

4. Update the 2021/22 Delivery Program and Operational Plan to incorporate an additional \$10 million of capital budget allocated to the Special Local Roads Improvement Program.

5. Thank the community for providing their submissions as part of the exhibition process and provide a response to each submission, outlining the outcome and actions undertaken relating to the issues raised.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett, Clr Guile, Clr Pakes, Clr Watson and Clr Proudfoot

AGAINST: Clr Kitchener

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL21.106 Rescission Motion - CL21.82 - Notice of Motion -
Lawfulness of Council's Opening Prayer**

**HPERM Ref:
D21/217470**

Recommendation

That Council rescind the Motion relating to Item CL21.82 of the Council Meeting held on Tuesday 25 May 2021.

RESOLVED (Clr Watson / Clr Pakes)

MIN21.396

That Council rescind the Motion relating to Item CL21.82 of the Council Meeting held on Tuesday 25 May 2021.

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

AGAINST: Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick and Clr Levett

CARRIED

**CL21.107 Rescission Motion - DE21.43 Update - Planning Proposal
PP050 - Former Anglican Church, Huskisson - Ground
Penetrating Radar Survey**

**HPERM REF:
D21/219334**

Item dealt with earlier in the meeting see MIN21.394.

**CL21.108 Notice of Motion - DE21.43 Update - Planning Proposal
PP050 - Former Anglican Church, Huskisson - Ground
Penetrating Radar Survey**

**HPERM REF:
D21/219346**

Item dealt with earlier in the meeting.

The meeting adjourned the time being 7.37pm

Note: Clr Kitchener left the meeting during the adjournment.

The meeting reconvened the time being 8.06pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr Joanna Gash
Clr Patricia White
Clr John Wells (Remotely)
Clr Kaye Gartner (Remotely)
Clr Nina Digiglio
Clr Annette Alldrick
Clr John Levett
Clr Andrew Guile
Clr Mitchell Pakes
Clr Greg Watson
Clr Bob Proudfoot

CL21.109 Notice of Motion - Donation - Five Villages Community Garden

**HPERM Ref:
D21/247323**

Recommendation

That Council donate \$1,500.00 to Five Villages Community Garden to advance their next garden at the Yulunga Playground, Manyana.

RESOLVED (Clr Gartner / Clr Gash)

MIN21.397

That Council donate \$1,500.00 to Five Villages Community Garden to advance their next garden at the Yulunga Playground, Manyana.

CARRIED

CL21.110 Notice of Motion - Speed Limit Review - Princes Highway (Jervis Bay Road to Hawken Road)

**HPERM Ref:
D21/248793**

Recommendation

That Council write to Transport for NSW seeking a review of the current 100 km/h speed limit on the section of the Princes Highway from Jervis Bay Road, Falls Creek to Hawken Road, Tomerong. Ideally the review would occur without delay and result in a much lower and more appropriate speed limit.

RESOLVED (Clr Proudfoot / Clr White)

MIN21.398

That Council write to Transport for NSW seeking:

1. A review of the current 100 km/h speed limit on the section of the Princes Highway from Jervis Bay Road, Falls Creek to Hawken Road, Tomerong. Ideally the review would occur without delay and result in a much lower and more appropriate speed limit.
2. The review to also include a reduction of the speed limit 200m North of Jervis Bay Road to assist motorists to slow speed when heading towards the intersection.

CARRIED

**CL21.111 Notice of Motion - Interim Heritage Order - Nowra
Recreation Reserve**

**HPERM REF:
D21/251630**

Item dealt with earlier in the meeting.

CL21.112 Notice of Motion - Callala Community Gardens

**HPERM Ref:
D21/252973**

Recommendation

That Council:

1. Grant growing access to Lot 1 DP825970 Callala Bay to Callala Community Gardens Association as required.
2. Undertake a Review of Environmental Assessment (REF) of Lot 1 DP825970 Callala Bay on behalf of the Callala Community Gardens to ascertain the area, with the \$1,700 cost for the assessment to be paid as an Unallocated Donation under Section 356 of the Local Government Act, 1993.
3. Liaise with Callala Community Gardens on any lease alterations required and the REF once completed.

RESOLVED (Clr White / Clr Pakes)

MIN21.399

That Council:

1. Grant growing access to Lot 1 DP825970 Callala Bay to Callala Community Gardens Association as required.
2. Work with the Callala Community Gardens Association to understand requirements and map out use without land clearing
3. If required, undertake a Review of Environmental Assessment (REF) of Lot 1 DP825970 Callala Bay on behalf of the Callala Community Gardens to ascertain the area, with the \$1,700 cost for the assessment to be paid as an Unallocated Donation under Section 356 of the Local Government Act, 1993.
4. Liaise with Callala Community Gardens on any lease alterations required and the REF once completed.

CARRIED

CL21.113 Notice of Motion - Sussex Inlet Viking Festival

**HPERM Ref:
D21/253003**

Recommendation

That Council:

1. Acknowledge the Sussex Inlet Business Chamber and Volunteers on the success of the Viking Festival held in Sussex Inlet on the June long weekend and write a letter of congratulations.
2. Assist the Sussex Inlet Business Chamber with letters of support for grant applications for the 2022 Viking Festival.
3. Establish a working group of Staff, Councillors, members of the Sussex Inlet Business Chamber, and volunteers to discuss the establishment of a Museum in Sussex Inlet to contain memorabilia from the early settlements in Sussex Inlet.

RESOLVED (Clr White / Clr Gash)

MIN21.400

That Council:

1. Acknowledge the Sussex Inlet Business Chamber and Volunteers on the success of the Viking Festival held in Sussex Inlet on the June long weekend and write a letter of congratulations.
2. Assist the Sussex Inlet Business Chamber with letters of support for grant applications for the 2022 Viking Festival.
3. Establish a working group of Staff, Councillors, members of the Sussex Inlet Business Chamber, and volunteers to discuss the establishment of a Museum in Sussex Inlet to contain memorabilia from the early settlements in Sussex Inlet.

CARRIED

Procedural Motion

RESOLVED (Clr Pakes / Clr White)

MIN21.401

That in relation to item CL21.114 – Notice of Motion Councillor Bob Proudfoot, Clr Proudfoot be requested to sit in the gallery of the Chambers to listen without voting, contribution or comment to the debate of his colleagues on item CL21.114, acknowledging that the Councillor has made a declaration of significant non-pecuniary interest in the matter.

CARRIED

CL21.114 Notice of Motion - Councillor Bob Proudfoot

**HPERM Ref:
D21/255514**

Note: Clr Proudfoot declared a significant non pecuniary interest in this item as it concerns him, and Clr Proudfoot removed himself from the Meeting and remained in the Gallery in accordance with the procedural motion resolved in MIN21.401. Clr Proudfoot did not take part in discussion or vote.

Recommendation

That Council:

1. Name the amenities/change facilities at Francis Ryan reserve, when renovated and extended, 'The Bob Proudfoot Pavilion'.
2. Select a place within the soon to be constructed Sanctuary Point Library (foyer, reading room/meeting space) 'Bob's Place'.
3. Place an appropriate plaque or sign at both locations acknowledging Bob Proudfoot's contribution to the vision, location, design and delivery of the pavilion and library in Sanctuary Point.

RESOLVED (Clr Wells / Clr White)

MIN21.402

That Council:

1. Name the amenities/change facilities at Francis Ryan reserve, when renovated and extended, 'The Bob Proudfoot Pavilion'.
2. Select a place within the soon to be constructed Sanctuary Point Library (foyer, reading room/meeting space) 'Bob's Place'.
3. Place an appropriate plaque or sign at both locations acknowledging Bob Proudfoot's contribution to the vision, location, design and delivery of the pavilion and library in Sanctuary Point.

CARRIED

Note: Clr Proudfoot returned to the meeting at 8.38pm.

CL21.115 Notice of Motion - Vale Captain Gary Barton

**HPERM Ref:
D21/254867**

Recommendation

That Shoalhaven City Council:

1. Acknowledge the passing of Manyana Rural Fire Brigade Captain Gary Barton.
2. Acknowledge the years of dedication and service Gary gave to his community through the NSW Rural Fire Service.
3. Pass on our prayers to Gary's family, friends and his much loved Manyana Brigade.

RESOLVED (Clr Pakes / Clr White)

MIN21.403

That Shoalhaven City Council:

1. Acknowledge the passing of Manyana Rural Fire Brigade Captain Gary Barton.
2. Acknowledge the years of dedication and service Gary gave to his community through the NSW Rural Fire Service.
3. Pass on our prayers to Gary's family, friends and his much loved Manyana Brigade.

CARRIED

CL21.116 Notice of Motion - Scenic Drive, Nowra - Play Equipment Replacement

**HPERM Ref:
D21/256863**

Recommendation

That Council commit to replace the play equipment on Scenic Drive that has been removed for the new Nowra Bridge.

RESOLVED (Clr Pakes / Clr Watson)

MIN21.404

That Council commit to replace the play equipment in the Riverfront Precinct that has been removed for the new Nowra Bridge.

CARRIED

CL21.117 Notice of Motion - Crookhaven Heads Sporting Facilities

**HPERM Ref:
D21/257030**

Note: Parts 1 and 3 of the Recommendation were dealt with in Item CL21.128 - Delivery Program and Operational Plan, Budget 2021/22 - Exhibition Outcomes.

Recommendation

That Council:

1. Bring forward funding from the 2022/2023 Special Rate Variation for sporting fields maintenance and upgrades for completion of the drainage works on the final southern playing field, Crookhaven Heads Playing fields.

2. Acknowledges the current condition of the Crookhaven Heads Playing fields canteen, change rooms and toilets facility as a Category 3 condition (Significant Maintenance required to return to Acceptable Service Level).
3. Allocates \$100,000 in the 2021/2022 to undertake a detailed design process to replace the current facility.
4. Commit to funding to replacement facility in the 2022/2023 budget.
5. Establishes a working group to ensure the needs of the sporting community are met in the new design. The working group shall include representatives from the Culburra Cougars Football Club (Senior and Junior) and the Culburra Touch Football Club (Senior and Junior).

RESOLVED (Clr Pakes / Clr Watson)

MIN21.405

That Council:

1. Acknowledges the current condition of the Crookhaven Heads Playing fields canteen, change rooms and toilets facility as a Category 3 condition (Significant Maintenance required to return to Acceptable Service Level).
2. Commit to funding to replacement facility in the 2022/2023 budget.
3. Establishes a working group to ensure the needs of the sporting community are met in the new design. The working group shall include representatives from the Culburra Cougars Football Club (Senior and Junior) and the Culburra Touch Football Club (Senior and Junior).

CARRIED

**CL21.118 Notice of Motion - Greenwell Point Foreshore Reserve,
Activate Healthy Living**

**HPERM Ref:
D21/257071**

Recommendation

That Council

1. Review the current masterplan for the Greenwell Point Foreshore Reserve to include:
 - a. New Toilet facility (As adopted by council)
 - b. New exercise equipment park (As adopted by council)
 - c. Provisions for a small regional skate park
2. Provides an update on any plans to upgrade the car park that joins the Foreshore Reserve and the Greenwell Point Pool.

RESOLVED (Clr Pakes / Clr Watson)

MIN21.406

That Council:

1. Acknowledge the review of the Greenwell Point Foreshore Reserve Masterplan will be undertaken in the 2021/2022 financial year.
2. Acknowledge the adopted DPOP 2021/2022 includes funding for a new amenities facility and exercise circuit.
3. Include provisions for a small regional skate park.

CARRIED

CL21.119 Notice of Motion - Greenwell Point Union Church Support

**HPERM Ref:
D21/257108**

Recommendation

That Council provide and install outdoor seating at the new community memorial garden and wall, the cost to be funded from the Unallocated Donations budget.

RESOLVED (Clr Pakes / Clr Watson)

MIN21.407

That Council provide and install outdoor seating at the new community memorial garden and wall, the cost to be funded from the Unallocated Donations budget.

CARRIED

CL21.120 Notice of Motion - Worrigea Road Condition

**HPERM Ref:
D21/257518**

Recommendation

That Council:

1. Provide an update of any proposed roadworks for Worrigea Road (Intersection of Greenwell Point Road to Boston Road)
2. Undertake an audit of the current road condition.

RESOLVED (Clr Pakes / Clr Watson)

MIN21.408

That Council:

1. Provide an update of any proposed roadworks for Worrigea Road (Intersection of Greenwell Point Road to Boston Road)
2. Undertake an audit of the current road condition.

CARRIED

Procedural Motion – Items Resolved En Bloc

RESOLVED (Clr Gartner / Clr Wells)

MIN21.409

That the following items be called up for debate:

- SA21.115 – Local Government Remuneration Tribunal - Councillor and Mayoral Fees 2021/2022 - Superannuation Payments
- CL21.127 – Special Local Roads Improvement Program
- CL21.130 – "Electoral Matter" and Use of Council Resources prior to Local Government Elections 2021
- DE21.56 – Proposed Amendments to Chapter G21: Car Parking and Traffic of Shoalhaven DCP 2014

The following items were resolved en bloc and marked with an asterisk (*):

- SA21.114 - Request to Vary Donation - City of Shoalhaven Eisteddfod Inc
- SA21.123 - Traffic Committee Reports - Sub Delegation of Authorisation to Director City Services
- AB21.10 - Shoalhaven City Art Collection - Acquisitions
- YA21.10 - Youth Advisory Committee Terms Of Reference
- BE21.18 - Additional Item - Procurement of Local Goods and Services

- IA21.9 - Working Group - Promote and Engage
- SB21.3 - Membership - Indigenous Sporting Group & Accessible Sporting Experience

CARRIED

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

REPORT OF THE STRATEGY & ASSETS COMMITTEE - 8 JUNE 2021

SA21.114 Request to Vary Donation - City of Shoalhaven Eisteddfod Inc	HPERM Ref: D21/222616
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RESOLVED* (Clr Gartner / Clr Wells) MIN21.410

That Council:

1. Approve the City of Shoalhaven Eisteddfod Inc's request for a variation of purpose for the remaining \$7,630 from the 2020/21 Allocated Donation of \$10,130 as a contribution towards the costs of a project aimed at promoting and maintaining the profile of the Shoalhaven Eisteddfod for 2022.
2. Allocate an additional donation of \$2,670 towards the cost of this project bringing the total donation for the 2020/21 Financial Year to \$12,800.

CARRIED

SA21.115 Local Government Remuneration Tribunal - Councillor and Mayoral Fees 2021/2022 - Superannuation Payments	HPERM REF: D21/215900
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Item dealt with later in the meeting see MIN21.426

SA21.123 Traffic Committee Reports - Sub Delegation of Authorisation to Director City Services	HPERM Ref: D21/170434
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RESOLVED* (Clr Gartner / Clr Wells) MIN21.411

That Council:

1. Sub-Delegates to the Chief Executive Officer (Director City Services) the functions listed below that have been delegated to Shoalhaven City Council by Transport for NSW (TfNSW – formerly RMS).
The exercising of all functions of RMS under:
 - a. Division 1 of Part 4 (Traffic control devices) of the Road Transport (Safety and Traffic Management) Act 1999
 - b. Division 2 part 5 (Special event parking schemes) of the Road Transport (Safety and Traffic Management) Act 1999
2. Note that notwithstanding the Sub-Delegation above, that Councillors can still have a Traffic Committee item considered at an Ordinary meeting at a Councillor's request through the following process:
 - a. Councillors will be emailed the minutes of the Traffic Committee as a matter of standard process.

- b. If a Councillor would like a Traffic Committee item considered at an Ordinary meeting, a request is to be email to Governance within 3 days of the Traffic Committee minutes being distributed and quote the Traffic Committee item number.
- c. The CEO (Director City Services) will discuss the issue with the Councillor. If the Councillor would still like it considered at an Ordinary meeting it will be added to the agenda of the next meeting.

CARRIED

REPORT OF THE SHOALHAVEN ARTS BOARD - 22 APRIL 2021

AB21.10 Shoalhaven City Art Collection - Acquisitions

HPERM Ref:
D21/122525

RESOLVED* (Clr Gartner / Clr Wells)

MIN21.412

That Council endorse the request of the Shoalhaven Arts Board to acquire the following works for inclusion in the Shoalhaven City Council Art Collection:

1. Purchase *Requiem for a Forest 1* – channel film by Tim Georgeson offered at \$8,000 utilising funding from the Arts Reserve and acquire one (1) further photographic work one (1) which is being offered under Cultural Gift Program:
 - a. Renaissance
2. Purchase *Endangered 11A & 11B (Diptych)* by Tamara Dean offered at \$23,000 utilising funding from the Arts Reserve and acquire five (5) further works which are being offered under the Cultural Gift Program:
 - a. Dusty Miller
 - b. Sacred Lotus
 - c. Juniper
 - d. Endangered 4
 - e. Endangered 6
3. Approve the allocation of \$31,000 from The Arts Reserve to fund the purchase of these two (2) works:
 - a. *Requiem for a Forest 1* - \$8,000
 - b. *Endangered 11A & 11B (Diptych)* - \$23,000
4. Pursue the acquisition of the other offered works in accordance with the Cultural Gift Program.

CARRIED

REPORT OF THE YOUTH ADVISORY COMMITTEE - 5 MAY 2021

YA21.10 Youth Advisory Committee Terms Of Reference

HPERM Ref:
D21/156820

RESOLVED* (Clr Gartner / Clr Wells)

MIN21.413

That the Youth Advisory Committee recommend that Council endorse the existing proposed amendments to the Youth Advisory Committee Terms of Reference along with the following

amendments identified at the meeting:

1. Section 3.3 Membership

3.3.1 Appointments

Remove the words “attend and” from point a) paragraph i)

2. Section 3.5 Meetings

Amend Point b) to read as follows:

Meetings to be held Monday – Thursday during school terms between 10am – 12pm.

CARRIED

REPORT OF THE BUSINESS & EMPLOYMENT DEVELOPMENT COMMITTEE - 19 MAY 2021

BE21.18 Additional Item - Procurement of Local Goods and Services

RESOLVED* (Clr Gartner / Clr Wells)

MIN21.414

That Council:

1. Investigate the potential for increased utilisation of local goods and services that represent value for money and engage with local suppliers throughout the procurement process.
2. Hold a forum with interested suppliers to better understand the procurement processes of Council and procurement panels.
3. Invite Council's Procurement Manager to address the meeting on Council's procurement processes in relation to selection panels.

CARRIED

REPORT OF THE INCLUSION & ACCESS ADVISORY GROUP - 24 MAY 2021

IA21.9 Working Group - Promote and Engage

HPERM Ref:
D21/187073

RESOLVED* (Clr Gartner / Clr Wells)

MIN21.415

That Council

1. Develops an EOI application process to increase membership for the Committee.
2. Acknowledges that the Committee endorse the proposed actions developed by the working group as stated below.
 - a. Increased promotion of the IAAG and its functions.
 - b. Increased promotion of people with a disability within the Shoalhaven via inclusive and positive social media/media campaign
 - c. Increased committee membership through a membership expression of interest (EOI)
3. Acknowledges that the Committee endorse a Planning Day, to be scheduled for the first quarter of 2022 after a completed membership recruitment period.

CARRIED

REPORT OF THE SHOALHAVEN SPORTS BOARD - 2 JUNE 2021

SB21.3 Membership - Indigenous Sporting Group & Accessible Sporting Experience

**HPERM Ref:
D21/111481**

RESOLVED* (Clr Gartner / Clr Wells)

MIN21.416

That Council:

1. Endorse the Sports Board's recommended nominees to the Sports Board membership, being:
 - a. Tameka Gogerly (new member)
 - b. Lucy Burgmann (new member)
 - c. Liz Tooley (existing member)
 - d. Dr Phill Newlyn (existing member)
2. Write to all nominees thanking them for their interest
3. Write to the successful applicants, congratulating them, and sending the Sports Board Terms of Reference, Strategic Plan and upcoming meeting dates.

CARRIED

REPORTS

CL21.127 Special Local Roads Improvement Program

**HPERM Ref:
D21/244878**

Recommendation

That Council endorse:

1. The creation of the Special Local Roads Improvement Program with a total budget of \$10M for the 2021/22 financial year to improve the condition of relevant roads across Shoalhaven City Council.
2. The program be funded by Phase 3 of the Local Roads and Community Infrastructure Grant (\$4.2M) and an internal loan from the Section 7.11 Recoupment Reserve (\$5.8M).
3. The \$5.8M internal loan from Section 7.11 Recoupment Reserve be repaid over 10 years, starting 1 July 2023 funded from Shoalwater dividends received by the general fund.
4. The COVID-19 Contributions Discount Subsidy Policy be discontinued on 31 March 2022 for the internal borrowings funding strategy to be sustainable, and for Council to continue maintaining a sufficient level of working capital in future years. This is in line with the end of the pandemic period as defined by the current Section 10.17, ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979: COVID-19 Pandemic - Ministerial Orders (2021).
5. The local roads projects to be delivered under the Special Local Roads Improvement Program are to be determined by management, and the program will target local road works that require non-complex design and approval processes and thus deliver the maximum possible new road seal to customers within the 2021/22 financial year. The types of roads being targeted are
 - a. Local access gravel roads which are appropriate for sealing.
 - b. Urban sealed roads that have failed.

6. The 2021/22 Delivery Program and Operational Plan including Budget be updated to incorporate an additional \$10M of capital budget allocated to the Special Local Roads Improvement Program.

RESOLVED (Clr Findley / Clr Gartner)

MIN21.417

That Council endorse:

1. The creation of the Special Local Roads Improvement Program with a total budget of \$10M for the 2021/22 financial year to improve the condition of relevant roads across Shoalhaven City Council.
2. The program be funded by Phase 3 of the Local Roads and Community Infrastructure Grant (\$4.2M) and an internal loan from the Section 7.11 Recoupment Reserve (\$5.8M).
3. The \$5.8M internal loan from Section 7.11 Recoupment Reserve be repaid over 10 years, starting 1 July 2023 funded from Shoalwater dividends received by the general fund.
4. The COVID-19 Contributions Discount Subsidy Policy be discontinued on 31 March 2022 for the internal borrowings funding strategy to be sustainable, and for Council to continue maintaining a sufficient level of working capital in future years. This is in line with the end of the pandemic period as defined by the current Section 10.17, ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979: COVID-19 Pandemic - Ministerial Orders (2021).
5. The local roads projects to be delivered under the Special Local Roads Improvement Program are to be determined by management, and the program will target local road works that require non-complex design and approval processes and thus deliver the maximum possible new road seal to customers within the 2021/22 financial year. The types of roads being targeted are
 - a. Local access gravel roads which are appropriate for sealing.
 - b. Urban sealed roads that have failed.
6. The 2021/22 Delivery Program and Operational Plan including Budget be updated to incorporate an additional \$10M of capital budget allocated to the Special Local Roads Improvement Program.

CARRIED

**CL21.128 Delivery Program and Operational Plan, Budget 2021/22
- Exhibition Outcomes**

**HPERM REF:
D21/211843**

Item dealt with earlier in the meeting see MIN21.394

Procedural Motion – Items Resolved En Bloc

RESOLVED (Clr Findley / Clr Digiglio)

MIN21.418

That the following matters be resolved en bloc:

- CL21.129 – Investment Report - May 2021
- CL21.131 – Policy - Induction and Ongoing Professional Development for Mayors and Councillors
- CL21.132 – Tender - Appointment of an Operator Manager - Ulladulla Civic Centre
- CL21.133 - Lease of Land - Old Nowra Wastewater Treatment Plant

CARRIED

Items marked with an * were resolved ‘en bloc’.

CL21.129 Investment Report - May 2021 **HPERM Ref: D21/242085**

RESOLVED* (Clr Findley / Clr Digiglio) MIN21.419

That:

1. The report of the Chief Executive Officer (City Performance) on the Record of Investments for the period to 31 May 2021 be received for information.
2. Council note that Council’s Investment Portfolio returned 1.17% for the month of May 2021, exceeding the benchmark AusBond Bank Bill Index (0.04% pa) by 113 basis points (1.13%).

CARRIED

CL21.130 "Electoral Matter" and Use of Council Resources prior to Local Government Elections 2021 **HPERM Ref: D21/244229**

Recommendation

That the information in relation to use of council resources and the electoral matter be noted.

RESOLVED (Clr Pakes / Clr Digiglio) MIN21.420

That the information in relation to use of council resources and the electoral matter be noted.

CARRIED

CL21.131 Policy - Induction and Ongoing Professional Development for Mayors and Councillors **HPERM Ref: D21/246630**

RESOLVED* (Clr Findley / Clr Digiglio) MIN21.421

That Council adopt the attached Draft Policy - Induction and Ongoing Professional Development for Mayors and Councillors, POL19/41.

CARRIED

DE21.56 Proposed Amendments to Chapter G21: Car Parking and Traffic of Shoalhaven DCP 2014 **HPERM Ref: D21/179024**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse and proceed to publicly exhibit the proposed amendments to Chapter 21: Car Parking and Traffic of Shoalhaven Development Control Plan 2014 as outlined in Attachment 1, for a period of at least 28 days as per legislative requirements.
2. Receive a further report following the conclusion of the public exhibition period to consider feedback received and enable finalisation of the amendment.
3. Notify key stakeholders (including CCBs and Development Industry Representatives) of the exhibition arrangements, in due course.

RESOLVED (Clr Digiglio / Clr Levett)

MIN21.422

That Council:

1. Endorse and proceed to publicly exhibit the proposed amendments to Chapter 21: Car Parking and Traffic of Shoalhaven Development Control Plan 2014 as outlined in Attachment 1, for a period of at least 28 days as per legislative requirements.
2. Receive a further report following the conclusion of the public exhibition period to consider feedback received and enable finalisation of the amendment.
3. Notify key stakeholders (including CCBs and Development Industry Representatives) of the exhibition arrangements, in due course.

CARRIED

CL21.132 Tender - Appointment of an Operator Manager - Ulladulla Civic Centre

**HPERM Ref:
D21/227335**

RESOLVED* (Clr Findley / Clr Digiglio)

MIN21.423

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

CARRIED

CL21.133 Lease of Land - Old Nowra Wastewater Treatment Plant

**HPERM Ref:
D21/250311**

RESOLVED* (Clr Findley / Clr Digiglio)

MIN21.424

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993 in relation to the lease of land that previously operated as the Nowra Wastewater Treatment Plant (Lot 401 DP 1256042, Terara Rd).

CARRIED

Introduction of Items as Matters of Urgency

RESOLVED (Clr Pakes / Clr Findley)

MIN21.425

That the following addendum reports be introduced as matters of urgency:

1. CL21.134 Francis Ryan Amenities Building - Exhibition of the Current Design

CARRIED

The Chairperson ruled the matter as one of urgency as it relates to urgent business of Council and allowed its introduction.

ADDENDUM REPORTS

CL21.134 Francis Ryan Amenities Building - Exhibition of the Current Design

HPERM Ref:
D21/262256

Recommendation

That Council:

1. Proceed to public exhibition with Concept Design Iteration 3 of the Francis Ryan Amenities Building; and
 - a. If no significant feedback is received as part of the exhibition, the concept design of the Francis Ryan Amenities Building be finalised and deemed adopted; or
 - b. If significant adverse feedback is received, update the concept design of the Francis Ryan Amenities building and report the outcomes of the public exhibition period to Council prior to adoption.
2. At the completion of Part 1 (above) proceed to construction ready detailed designs for the Francis Ryan Amenities Building, as per Design Iteration 3.
3. Advocate for additional funding to deliver the Francis Ryan Amenities Building, as per Design Iteration 3 through actively seeking funding through grant programs.
4. Receive a further report on the appointment of the building contractor once the Request for Tender process has been undertaken.

RESOLVED (Clr Proudfoot / Clr Findley)

MIN21.426

That Council:

1. Proceed to public exhibition with Concept Design Iteration 3 of the Francis Ryan Amenities Building; and
 - a. If no significant feedback is received as part of the exhibition, the concept design of the Francis Ryan Amenities Building be finalised and deemed adopted; or
 - b. If significant adverse feedback is received, update the concept design of the Francis Ryan Amenities building and report the outcomes of the public exhibition period to Council prior to adoption.
2. At the completion of Part 1 (above) proceed to construction ready detailed designs for the Francis Ryan Amenities Building, as per Design Iteration 3.
3. Advocate for additional funding to deliver the Francis Ryan Amenities Building, as per Design Iteration 3 through actively seeking funding through grant programs.
4. Receive a further report on the appointment of the building contractor once the Request for Tender process has been undertaken.

CARRIED

Note: Mayor Findley declared a pecuniary interest in item SA21.115 and left the room at 9.16pm. Clr Watson assumed the role of Chairperson.

SA21.115 Local Government Remuneration Tribunal - Councillor and Mayoral Fees 2021/2022 - Superannuation Payments	HPERM Ref: D21/215900
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Note: Clr Findley - significant pecuniary interest declaration – Left the room and did not take part in discussion or vote – the Motion is to vote on her own payment alone.

Recommendation

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 23 April 2021.
2. Adjust only the Additional Mayoral Fee to \$61,280 for the 2021/2022 financial year.
3. Note that the matter of superannuation payments for Councillors from July 2022 will be a policy matter for determination by the Council following the September 2021 Council Elections.

MOTION (Clr Watson / Clr Pakes)

That this matter be deferred until after the election.

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

AGAINST: Clr Gash, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett and Clr Proudfoot

MOTION LOST

Note: Clr Alldrick raised a point of clarification regarding the resolution from 2020, stating that not all Councillors had voted the same way.

FORESHADOWED MOTION (Clr Gash / Clr Digiglio)

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 23 April 2021.
2. Adjust only the Additional Mayoral Fee to \$61,280 for the 2021/2022 financial year.
3. Note that the matter of superannuation payments for Councillors from July 2022 will be a policy matter for determination by the Council following the September 2021 Council Elections.

PROCEDURAL MOTION (Clr Gartner / Clr Gash)

That the MOTION be PUT.

FOR: Clr Gash, Clr Gartner, Clr Digiglio, Clr Alldrick and Clr Levett

AGAINST: Clr White, Clr Wells, Clr Guile, Clr Pakes, Clr Watson and Clr Proudfoot

PROCEDURAL MOTION LOST

Clr Gartner raised a Point of Order in relation to comments made by Clr Guile bringing the meeting into disrepute. The Chairperson did not rule it as a Point of Order.

RESOLVED (Clr Gash / Clr Digiglio)

MIN21.427

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 23 April 2021.
2. Adjust only the Additional Mayoral Fee to \$61,280 for the 2021/2022 financial year.
3. Note that the matter of superannuation payments for Councillors from July 2022 will be a policy matter for determination by the Council following the September 2021 Council Elections.

FOR: Clr Gash, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett and Clr Proudfoot

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

FORESHADOWED MOTION CARRIED

Note: A Rescission Motion has been received on this Item.

Note: Mayor Findley returned to the meeting at 9.45pm.

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 Wells / Clr Pakes)

MIN21.428

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.

- CSA21.25 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area
Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
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.
- CCL21.9 Tenders - Appointment of an Operator Manager - Ulladulla Civic Centre
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.
- CCL21.10 Lease of Land - Old Nowra Wastewater Treatment Plant
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 9.45pm.

The meeting moved into open session, the time being 10.17pm.

REPORT FROM CONFIDENTIAL SESSION

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

CSA21.25 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area

**HPERM Ref:
D21/120407**

RESOLVED

MIN21.429C

That

1. The Chief Executive Officer (Director – City Futures) undertake the future actions for proposed land acquisition as detailed in the report.
2. The actions remain Confidential in accordance with Section 10A(2)(c) of the Local Government Act until public recreation transactions for the Moss Vale Road Urban Release Area have been settled.

CARRIED

CCL21.9 Tenders - Appointment of an Operator Manager - Ulladulla Civic Centre

**HPERM Ref:
D21/227342**

RESOLVED

MIN21.430C

That Council:

1. In accordance with Section 178(1)(b) of the regulations decline to accept any Tender for the appointment of an Operator Manager - Ulladulla Civic Centre due to the high services fees.
2. As the Contract Principal, and in accordance with the Local Government (General) Regulation 2005; Clause 173(3)(e) authorise the CEO to appoint a Principal's Representative to enter into negotiations with Milton Ulladulla ExServos Ltd for the Appointment of an Operator Manager – Ulladulla Civic Centre for the following reason:
 - a. To achieve an agreement on an Operator Manager Contract which is fair to both parties and is of reduced financial, performance and reputational risk to Council.
3. Receive a further confidential report and briefing with respect to the negotiations.

CARRIED

CCL21.10 Lease of Land - Old Nowra Wastewater Treatment Plant

**HPERM Ref:
D21/229524**

RESOLVED

MIN21.431C

That Council:

1. Endorse the CEO (Executive Manager Shoalhaven Water) to enter into a negotiation process with Innovating Energy Pty Ltd regarding the terms and value of a potential lease of Council land (Part Lot 401 DP 1256042) as described in this report.
2. Delegate the CEO to execute an agreed lease arising out of the negotiations with Innovating Energy over the subject property.

CARRIED

Note: A Rescission Motion was received in relation to SA21.115 - Local Government Remuneration Tribunal - Councillor and Mayoral Fees 2021/2022 - Superannuation Payments signed by Clr Guile, Clr Pakes and Clr Watson.

There being no further business, the meeting concluded, the time being 10.20pm.

Clr Findley
CHAIRPERSON