

## MINUTES OF THE EXTRA ORDINARY MEETING

**Meeting Date:** Monday, 15 May 2023  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

The following members were present:

Clr Amanda Findley - Chairperson  
Clr John Kotlash  
Clr Matthew Norris  
Clr Liza Butler  
Clr Moo D'Ath  
Clr Serena Copley  
Clr Paul Ell  
Clr Evan Christen (Remotely)  
Clr Patricia White  
Clr John Wells  
Clr Tonia Gray (Remotely) – Joined 5:44pm

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.

### Apologies / Leave of Absence

Apologies were received from Clr Watson and Clr Kitchener for this meeting

### Declaration of Interests

Clr Butler - MM23.13 - 2023/2024 Emergency Service Levy - less than significant non pecuniary interest declaration – current Member of Parliament for the South Coast Electorate - will remain in the room and take part in the vote as her name or position is not mentioned in the recommendation.

## MAYORAL MINUTE

### MM23.13 2023/2024 Emergency Service Levy

**HPERM Ref:**  
**D23/168424**

Clr Butler - less than significant non pecuniary interest declaration – current Member of Parliament for the South Coast Electorate - remained in the room and took part in the vote.

### Recommendation

Minutes Confirmed Monday 22 May 2023 – Chairperson.....

That Council:

1. Writes to the NSW Treasurer, the Minister for Emergency Services, the Minister for Local Government and Local State Member(s):
  - a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
  - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 4.6% rate increase to provide essential community services and infrastructure has been significantly eroded.
  - c. Advising that the Government's decision may lead to a reduction in important local services or the cancellation of necessary infrastructure projects;
  - d. Calling on the NSW Government to take immediate action to:
    - i. Restore the ESL subsidy in 2023/24
    - ii. Urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
    - iii. Develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with Local Government.
2. Writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
3. Writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

**RESOLVED** (Clr Findley / Clr Ell)

MIN23.244

That Council:

1. Writes to the NSW Treasurer, the Minister for Emergency Services, the Minister for Local Government and Local State Member(s):
  - a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
  - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 4.6% rate increase to provide and maintain essential community services and infrastructure has been significantly eroded.
  - c. Advising that the Government's decision will lead to a reduction in important local services and the cancellation of necessary infrastructure projects;
  - d. Calling on the NSW Government to take immediate action to:
    - i. Restore the ESL subsidy in 2023/24
    - ii. Urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost of the levy
    - iii. Develop a fairer, more transparent, equitable and financially sustainable method of funding critically important emergency services in consultation with Local Government.
2. Writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that

Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress on Councils community.

- Writes to the President of LGNSW seeking and supporting the Association's ongoing advocacy to bring about a relief from the burden of Councils' emergency services contribution.

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

AGAINST: Nil

CARRIED

## REPORTS

### CL23.151 Draft Delivery Program Operational Plan and Budget 2023-24 - Public Exhibition

HPERM Ref:  
D23/98113

Note: Clr Gray joined the meeting remotely, the time being 5:44pm.

#### Recommendation

That Council:

- Endorse the Draft 2023/24 Delivery Program and Operational Plan, Draft Budget, Draft Fees and Charges for the purpose of placing on public exhibition for a period of 28 days.
- Maintain the 2022/23 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.
- Note the addition of two proposed new rating categories; Business - Major Retail Centre – Nowra and Business - Major Retail Centre – Vincentia into the proposed 2023/24 Rating Structure order to reduce the impact of varying 1 July 2022 valuation increases in the respective CBDs.
- In accordance with Section 566(3) of the Local Government Act, 1993, endorse the rate of interest payable on overdue rates and charges for the period 1 July 2023 to 30 June 2024 (inclusive) to be 9% per annum which is the Office of Local Government recommended maximum for 2023/24 financial year.
- Note that interest charges will continue to be waived for ratepayers that are experiencing financial hardship and they can apply for financial assistance under Council's Hardship Policy.
- Approve the Minister's allowable limit of a 4.6% rate peg increase in 2023/24 to the notional yield as permitted by Section 511 of the Local Government Act, 1993.
- Resolve to comprehensively review the Long Term Financial Plan and supporting 10-year Capital Works Program in Quarter 1 of 2023/24.
- Exclude the 10-year Capital Works Program listing from the DPOP documents being placed on public exhibition given the pending comprehensive review of the Long Term Financial Plan.
- Receive a report on feedback from the community on the Draft 2023/24 Delivery Program Operational Plan and Budget following the public exhibition period.

**RESOLVED** (Clr D'Ath / Clr Kotlash)

MIN23.245

That Council:

- Endorse the Draft 2023/24 Delivery Program and Operational Plan, Draft Budget, Draft Fees

and Charges for the purpose of placing on public exhibition for a period of 28 days.

2. Maintain the 2022/23 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.
3. Note the addition of two proposed new rating categories; Business - Major Retail Centre – Nowra and Business - Major Retail Centre – Vincentia into the proposed 2023/24 Rating Structure order to reduce the impact of varying 1 July 2022 valuation increases in the respective CBDs.
4. In accordance with Section 566(3) of the Local Government Act, 1993, endorse the rate of interest payable on overdue rates and charges for the period 1 July 2023 to 30 June 2024 (inclusive) to be 9% per annum which is the Office of Local Government recommended maximum for 2023/24 financial year.
5. Note that interest charges will continue to be waived for ratepayers that are experiencing financial hardship and they can apply for financial assistance under Council's Hardship Policy.
6. Approve the Minister's allowable limit of a 4.6% rate peg increase in 2023/24 to the notional yield as permitted by Section 511 of the Local Government Act, 1993.
7. Resolve to comprehensively review at the earliest possible time the Long Term Financial Plan and supporting 10-year Capital Works Program by Quarter 1 of 2023/24.
8. Re-exhibit Council's current resourcing strategy document to support the public exhibition of the DPOP, noting that the review of the 10 year capital works listing is a key component of the comprehensive review of the long term financial plan as referenced in part 7 above.
9. Receive a report on feedback from the community on the Draft 2023/24 Delivery Program Operational Plan and Budget following the public exhibition period.

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

AGAINST: Nil

CARRIED

### Procedural Motion - Matters of Urgency

**RESOLVED** (Clr Eil / Clr Copley)

MIN23.246

That an additional item relating to Bioelektra be introduced as a matter of urgency.

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

AGAINST: Nil

CARRIED

THE CHAIRPERSON RULED THE MATTER AS URGENT AS THE EVENTS REFERENCED IN THE RECOMMENDATION IN RELATION TO BIOELEKTRA ARE TAKING PLACE NOW AND ARE RECEIVING EXTENSIVE COVERAGE THROUGH THE MEDIA, WHICH HAS PROMPTED A NUMBER OF INQUIRIES FROM RESIDENTS OF THE SHOALHAVEN.

### CL23.152 Additional Item - Bioelektra - Report Request

**RESOLVED** (Clr Eil / Clr Copley)

MIN23.247

That Council:

1. Notes the recent media reports concerning Bioelektra Australia.
2. Notes EQ Constructions which was subcontracted by Bioelektra Australia to undertake preparatory works associated with the construction of the West Nowra Resource Recovery Facility, going into voluntary administration.
3. Notes that Councillors received confidential briefings on this matter on 4/5/2023 and 11/5/2023.
4. Directs the CEO to provide a report for the next Ordinary Meeting to update Councillors and the community about the status of the West Nowra Resource Recovery Facility project.
5. Affirms that all Council waste services will continue to be maintained at current levels.

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

AGAINST: Nil

CARRIED

There being no further business, the meeting concluded, the time being 6:15pm.

Clr Findley  
CHAIRPERSON