

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 25 February 2025
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

The following members were present:

Clr Patricia White - Chairperson
Clr Selena Clancy
Clr Denise Kemp
Clr Luciano Casmiri
Clr Karlee Dunn
Clr Jason Cox
Clr Peter Wilkins
Clr Bob Proudfoot
Clr Jemma Tribe
Clr Matthew Norris
Clr Gillian Boyd
Clr Natalee Johnston (Remotely)
Clr Ben Krikstolaitis – left the meeting at 8.56pm

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

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

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

RESOLVED (Clr Norris / Clr Krikstolaitis) MIN25.57

That the Minutes of the Ordinary Meeting held on Tuesday 18 February 2025 be confirmed.

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

AGAINST: Nil

CARRIED

Declaration of Interests

Clr Johnston - CL25.48 - Notice of Motion - Community Lease Policy Consideration – less than significant non pecuniary interest declaration – Clr Johnston is a member and active trainer at the Mollymook Surf Club but is not a part of the applicant group – will remain in the room and will take part in discussion or vote.

MAYORAL MINUTE

MM25.1 Mayoral Minute - 2025 Australia Day Honours

HPERM Ref:
D25/59010

Recommendation

That Council recognise and congratulate Mrs Nellie Mooney OAM of Burrill Lake, who was the only Shoalhaven recipient in the Governor General's 2025 Australia Day Honours.

RESOLVED (Clr White / Clr Boyd)

MIN25.58

That Council recognise and congratulate Mrs Nellie Mooney OAM of Burrill Lake, who was the only Shoalhaven recipient in the Governor General's 2025 Australia Day Honours.

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

AGAINST: Nil

CARRIED

MM25.2 Mayoral Minute - 2025 Shoalhaven City Council Australia Day Awards

HPERM Ref:
D25/59880

Recommendation

That Council acknowledge all nominees and write to congratulate the winners of the Shoalhaven City Council Australia Day Awards which were presented on 26 January 2025 in a combined Citizenship and Australia Day Award Ceremony held at Swordfish Brewery, Sussex Inlet.

RESOLVED (Clr White / Clr Norris)

MIN25.59

That Council acknowledge all nominees and write to congratulate the winners of the Shoalhaven City Council Australia Day Awards which were presented on 26 January 2025 in a combined Citizenship and Australia Day Award Ceremony held at Swordfish Brewery, Sussex Inlet.

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

AGAINST: Nil

CARRIED

Procedural Motion – Move Item to the end of the Business Paper

RESOLVED (Clr White / Clr Wilkins)

MIN25.60

That the matter of item MM25.3 - Mayoral Minute - Senior Staff Contractual Matters Committee - Appointment of a CEO be moved to the end of the business paper, to allow for the CEO and Directors to leave the meeting as the item is discussed and voted on.

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

AGAINST: Nil
CARRIED

**MM25.3 Mayoral Minute - Senior Staff Contractual Matters
Committee - Appointment of a CEO**

**HPERM REF:
D25/69302**

Item dealt with later in the meeting see MIN25.91

MM25.4 Mayoral Minute - Freedom of Entry 2026

**HPERM Ref:
D25/72148**

Recommendation

That Council:

1. Support hosting a Freedom of Entry Ceremony and Civic Celebration in October 2026, noting the significance of the Defence connection to the Shoalhaven.
2. Investigate initial budget investigations and event planning commencement with key stakeholders.

RESOLVED (Clr White / Clr Norris)

MIN25.61

That Council:

1. Support hosting a Freedom of Entry Ceremony and Civic Celebration in October 2026, noting the significance of the Defence connection to the Shoalhaven.
2. Investigate initial budget investigations and event planning commencement with key stakeholders.

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

AGAINST: Nil
CARRIED

**MM25.5 Mayoral Minute - Waminda Birthing on Country - Major
Milestone - Minga Gudjaga Gunyahlamia Birth Centre
and Community Hub**

**HPERM Ref:
D25/72170**

Recommendation

That Council write to Waminda acknowledging the recent sod turning for the Birthing on Country project, on 18 February 2025 and recognises this as a major milestone and achievement in progressing the Gudjaga Gunyahlamia Birth Centre and Community Hub.

RESOLVED (Clr White / Clr Norris)

MIN25.62

That Council write to Waminda acknowledging the recent sod turning for the Birthing on Country project, on 18 February 2025 and recognises this as a major milestone and achievement in progressing the Gudjaga Gunyahlamia Birth Centre and Community Hub.

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

AGAINST: Nil
CARRIED

DEPUTATIONS AND PRESENTATIONS

CL25.51 - Policy - Councillor Expenses and Facilities

Mr John Willmott addressed the meeting to speak FOR the recommendation

CL25.59 - Progress Update - Detailed Planning - Moss Vale Road North Urban Release Area

Mr Ed Karim addressed the meeting on behalf of Moss Vale Road North Landowners Group to speak AGAINST the recommendation

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL25.25 Notice of Motion - Fleet & Plant Accountability and Transparency

HPERM Ref:
D25/39207

Recommendation

That Council instruct the Acting CEO to provide a list of ALL the new vehicles including the types and models purchased throughout 2024 to 31 December and the allocation and purpose thereof.

RESOLVED (Clr Cox / Clr Proudfoot)

MIN25.63

That Council instruct the Acting CEO to provide a list of ALL the new vehicles, including the types and models, purchased throughout 2024 to 31 December, the department to which the vehicle is allocated and the purpose thereof.

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

AGAINST: Nil

CARRIED

CL25.26 Notice of Motion - AEC Fleet & Plant Service Review Report

HPERM Ref:
D25/42035

Recommendation

That Council instruct the Acting CEO that the AEC Fleet & Plant Service review report of June 2024 be moved from a confidential report to a public one.

MOTION (Clr Cox / Clr Proudfoot)

That Council Direct the Acting CEO to release the information contained in the AEC Fleet & Plant Service review report of June 2024 which is not subject to confidentiality provisions under legislation, by the next Ordinary meeting.

AMENDMENT (Clr Tribe / Clr Krikstolaitis)

That Council Direct the Acting CEO to release the information contained in the AEC Fleet & Plant Service review report of June 2024 which is not subject to confidentiality provisions under legislation, with staff names and positions redacted, by the next Ordinary meeting.

FOR: Clr Dunn, Clr Tribe, Clr Norris, Clr Johnston and Clr Krikstolaitis

AGAINST: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Cox, Clr Wilkins, Clr Proudfoot and Clr Boyd

LOST

RESOLVED (MOTION)(Clr Cox / Clr Proudfoot) MIN25.64

That Council Direct the Acting CEO to release the information contained in the AEC Fleet & Plant Service review report of June 2024, which is not subject to confidentiality provisions under legislation, by the next Ordinary meeting.

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

AGAINST: Nil

CARRIED

CL25.27 Notice of Motion - AEC Financial Sustainability Review - Actions Taken to Reduce FBT Liability **HPERM Ref: D25/42049**

Recommendation

In relation to the AEC Financial Sustainability review report of November 2024. The report mentions the FBT levels of 2021 to 2024 being of concern. Request what actions have been taken to date to greatly reduce the FBT liability to Council.

RESOLVED (Clr Cox / Clr Proudfoot) MIN25.65

In relation to the AEC Financial Sustainability review report of November 2024, that Council, noting the report mentions the FBT levels of 2021 to 2024 being of concern, request what actions have been taken to date to greatly reduce the FBT liability to Council.

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

AGAINST: Nil

CARRIED

CL25.28 Notice of Motion - Shoalhaven City Council Apply the Statutory Minimum for the Cambewarra Pony Club **HPERM Ref: D25/58681**

Recommendation

That Council:

1. Resolves to apply the minimum statutory annual rental amount for the duration of the terms of its lease with the Cambewarra Pony Club.
2. Direct the Acting CEO (or delegate) to enter into negotiations with the Pony Club executive around various provisions of the lease including, but not limited to, rates; waste services; and, effluent pump-out arrangements, and that staff report the outcomes/options arising from negotiations to Council.
3. The Pony Club retain the ability to sub-lease and/or rent the property for use by others to assist the Clubs ongoing viability.

MOTION (Clr Cox / Clr Wilkins)

That Council:

1. Resolves to apply the minimum statutory annual rental amount for the duration of the terms of its lease with the Cambewarra Pony Club.
2. Direct the Acting CEO (or delegate) to enter into negotiations with the Pony Club executive around various provisions of the lease including, but not limited to, rates; waste services; and, effluent pump-out arrangements, and that staff report the outcomes/options arising from negotiations to Council.

3. The Pony Club retain the ability to sub-lease and/or rent the property for use by others to assist the Clubs ongoing viability.
4. Waive rates of approximately \$3,200 per annum, for the term of the lease.

MOTION (Clr Proudfoot / Clr White)

That the motion be put.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Clr Tribe

CARRIED

A Point of Order was raised by the Mayor against Clr Tribe for her comments relating to the vote and was ruled as a point of order.

The Mayor asked Councillor Tribe to unreservedly apologise for her comments.

Clr Tribe unreservedly apologised for her comments.

RESOLVED (Clr Cox / Clr Wilkins)

MIN25.66

That Council:

1. Resolves to apply the minimum statutory annual rental amount for the duration of the terms of its lease with the Cambewarra Pony Club.
2. Direct the Acting CEO (or delegate) to enter into negotiations with the Pony Club executive around various provisions of the lease including, but not limited to, rates; waste services; and, effluent pump-out arrangements, and that staff report the outcomes/options arising from negotiations to Council.
3. The Pony Club retain the ability to sub-lease and/or rent the property for use by others to assist the Clubs ongoing viability.
4. Waive rates of approximately \$3,200 per annum, for the term of the lease.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Cox, Clr Wilkins and Clr Proudfoot

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

CARRIED

CL25.45 Notice of Motion - Council's Green Electric Vehicle Policies

**HPERM Ref:
D25/61911**

Recommendation

It is requested that the Acting CEO furnish a detailed report on the cost of acquiring and running these vehicles, in particular a full detailed costing analysis of the previous Mayors Electric Vehicle, itemised running including FBT, breakdown and any other relevant expenses.

MOTION (Clr Cox / Clr Kemp)

It is requested that the Acting CEO furnish a detailed report on the cost of acquiring and running these vehicles, in particular a full detailed costing analysis of the previous Mayors Electric Vehicle, itemised running including FBT, breakdown and any other relevant expenses.

PROCEDURAL MOTION (Clr Proudfoot / Clr Wilkins)

That the motion be put.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot and Clr Boyd

AGAINST: Clr Tribe, Clr Norris, Clr Johnston and Clr Krikstolaitis

CARRIED

RESOLVED (Clr Cox / Clr Kemp)

MIN25.67

It is requested that the Acting CEO furnish a detailed report on the cost of acquiring and running these vehicles, in particular a full detailed costing analysis of the previous Mayors Electric Vehicle, itemised running including FBT, breakdown and any other relevant expenses.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Boyd and Clr Krikstolaitis

AGAINST: Clr Tribe, Clr Norris and Clr Johnston

CARRIED

CL25.46 Notice of Motion - Southern Water Services Entity

**HPERM Ref:
D25/62332**

Recommendation

That the Acting CEO prepare a report to Council advising why, when and if the policy was updated/changed to replace a nominated SCC Councillor with the CEO or nominated delegate. Furthermore, what dividends has Southern Water Services paid Council over the past 3 years? This report should be tabled for the next ordinary meeting of council on the 11 March 2025.

RESOLVED (Clr Cox / Clr Proudfoot)

MIN25.68

That the Acting CEO prepare a report to Council including the following information:

1. Why, when and if the policy was updated/changed to replace a nominated SCC Councillor with the CEO or nominated delegate.
2. What dividends Southern Water Services paid to Council over the past 3 years, including the Directors fees and payments made over the term of its operations.
3. An assesment as to the ongoing operations for dissolution of the entity.

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

AGAINST: Nil

CARRIED

CL25.47 Notice of Motion - Pensioner Rebates

**HPERM Ref:
D25/62819**

Recommendation

That Council:

1. Advocate and write to the NSW premier and state government for an increase in pensioner rebates (funded by the NSW Government) for council rates, water and sewerage.
2. Endorse a petition (intended to be lodged to the NSW government) on increase Pensioner rebates to be placed in Councils Administration Buildings, Gallery and Libraries to collect signatures for support.
3. Write to the local state members Liza Butler MP, Gareth Ward MP, and related ministers providing a copy of this recommendation and seeking their support.

RESOLVED (Clr Kemp / Clr White)

MIN25.69

That Council:

1. Advocate and write to the NSW premier and state government for an increase in pensioner rebates (funded by the NSW Government) for council rates, water and sewerage.
2. Endorse a petition (intended to be lodged to the NSW government) on increase Pensioner rebates to be placed in Councils Administration Buildings, Gallery and Libraries to collect signatures for support.
3. Write to the local state members Liza Butler MP, Gareth Ward MP, and related ministers providing a copy of this recommendation and seeking their support.

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

AGAINST: Nil

CARRIED

CL25.48 Notice of Motion - Community Lease Policy Consideration

HPERM Ref: D25/67476

Clr Johnston – less than significant non-pecuniary interest declaration – Clr Johnston is a member and active trainer at the Mollymook Surf Club but is not a part of the applicant group – remained in the room and took part in discussion and vote.

Recommendation

That the Acting CEO urge Council staff to consider ‘Profit Sharing’ arrangements in the lease of Council owned buildings (rented by community groups delivering essential services to the community), in lieu of steep increases to the base rental rate.

MOTION (Clr Tribe / Clr Johnston)

MIN25.70

That the Acting CEO urge Council staff to consider ‘Profit Sharing’ arrangements in the lease of Council owned buildings (rented by community groups delivering essential services to the community), in lieu of steep increases to the base rental rate.

FOR: Clr Dunn, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston and Clr Krikstolaitis

AGAINST: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Cox, Clr Wilkins and Clr Proudfoot

LOST

Procedural Motion – Suspension of Standing Orders

RESOLVED (Clr Wilkins / Clr Clancy)

MIN25.71

That standing orders be suspended to allow for the introduction of a Matter of Urgency.

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

AGAINST: Clr Tribe, Clr Norris, Clr Johnston and Clr Krikstolaitis

CARRIED

Procedural Motion - Matters of Urgency

RESOLVED (Clr Clancy / Clr White) MIN25.72

That an additional item relating to CL25.42 – Shoalhaven Family Daycare Future Direction, and the subsequent rescission motion, be introduced as a matter of urgency.

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

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

CARRIED

The CHAIRPERSON ruled the matter as URGENT as a rescission motion will be coming to the 11 March 2025 ordinary meeting, and this will allow time for the acting CEO to seek legal advice on the commencement of the resolution of CL25.42 prior to receiving the rescission motion.

CL25.62 Additional Item - Commencement of CL25.42 - Shoalhaven Family Daycare Future Direction - Validity of Rescission Motion

RESOLVED (Clr Clancy / Clr Kemp) MIN25.73

That Council request that the acting CEO assess the commencement of the previous resolution CL25.42 regarding Shoalhaven Family Daycare Future Direction, and find out whether the rescission motion is valid.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Cox, Clr Wilkins and Clr Proudfoot

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

CARRIED

A Point of Order was raised by the Mayor against Clr Tribe for her statement about Councillors making a shameful decision, this was ruled as a point of order.

The Mayor asked Clr Tribe to retract her statement and unreservedly apologise.

Clr Tribe retracted her statement and unreservedly apologised.

Procedural Motion - Resumption of Standing Orders

RESOLVED (Clr Cox / Clr Norris) MIN25.74

That Council resume standing orders.

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

AGAINST: Nil

CARRIED

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En block – City Performance

RESOLVED (Clr Kemp / Clr Krikstolaitis) MIN25.75

That the following items from City Performance Directorate be resolved en block:

- CL25.52 - Ongoing Register of Pecuniary Interest Returns - January 2025
- CL25.53 - Code of Conduct and Code of Conduct Procedures

- CL25.54 - Complaint Handling Policy

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En block – City Development

RESOLVED (Clr Norris / Clr Boyd) MIN25.76

That the following item from City Development Directorate be resolved en block:

- CL25.58 - Adjustment - Delegation - Plan Making (LEP) Process

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En block – Shoalhaven Water

RESOLVED (Clr Norris / Clr Dunn) MIN25.77

That the following items from Shoalhaven Water be resolved en block:

- CL25.60 - Connection to Town Sewerage System - 20 Church Street Milton - DA24/2386
- CL25.61 - Policy Review - Backflow Prevention and Cross Connection Control

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

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

AGAINST: Nil

CARRIED

REPORTS

CL25.49 Financial Sustainability Productivity and Efficiency Report

HPERM Ref:
D25/15796

Recommendation

That Council:

1. Receive the productivity and efficiency report for the period from October to December 2024.
2. Note the actions taken during the period that have supported progress towards the vision identified in Council’s Sustainable Financial Futures Plan.

RESOLVED (Clr Proudfoot / Clr Krikstolaitis) MIN25.78

That Council:

1. Receive the productivity and efficiency report for the period from October to December 2024.

2. Note the actions taken during the period that have supported progress towards the vision identified in Council's Sustainable Financial Futures Plan.

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

AGAINST: Nil

CARRIED

CL25.50 DPOP 2024-25 - Quarterly Performance and Budget Report (October - December)

HPERM Ref: D25/34121

Recommendation

That Council:

1. Receive the December Quarterly Performance Report on the 2022-2026 Delivery Program and 2024-25 Operational Plan and publish on Council's website.
2. Receive the December 2024 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the December 2024 Quarterly Budget Report Document.
4. Repay in full the loan 1238 taken out on 28/10/2022 from NSW Treasury Corp originally borrowed for the Sanctuary Point Library.
5. Enter negotiations with commercial lenders for a 10-year loan agreement of \$5.5M to fund the repayment of the loan taken out on 28/10/2022 for the Sanctuary Point Library, the proceeds of which are being used to fund projects that form part of Council's 2025 Capital Works Program.
6. Delegate authority to the Acting Chief Executive Officer to execute the loan agreement.

RESOLVED (Clr Proudfoot / Clr Wilkins)

MIN25.79

That Council:

1. Receive the December Quarterly Performance Report on the 2022-2026 Delivery Program and 2024-25 Operational Plan and publish on Council's website.
2. Receive the December 2024 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the December 2024 Quarterly Budget Report Document.
4. Repay in full the loan 1238 taken out on 28/10/2022 from NSW Treasury Corp originally borrowed for the Sanctuary Point Library.
5. Enter negotiations with commercial lenders for a 10-year loan agreement of \$5.5M to fund the repayment of the loan taken out on 28/10/2022 for the Sanctuary Point Library, the proceeds of which are being used to fund projects that form part of Council's 2025 Capital Works Program.
6. Delegate authority to the Acting Chief Executive Officer to execute the loan agreement.

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

AGAINST: Nil

CARRIED

CL25.55 Investment Report - January 2025

**HPERM Ref:
D25/48062**

Recommendation

That Council receive the Record of Investments for the period to 31 January 2025.

RESOLVED (Clr Proudfoot / Clr White)

MIN25.80

That Council receive the Record of Investments for the period to 31 January 2025.

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

AGAINST: Nil

CARRIED

CL25.51 Policy - Councillor Expenses and Facilities

**HPERM Ref:
D24/543502**

Note: A Deputation was received on this item.

Recommendation

That Council:

1. In accordance with Section 253 of the Local Government Act 1993, publicly exhibit the attached draft Councillor Expenses and Facilities Policy (Formerly known as “Council Members – Payment of Expenses and Provision of Facilities Policy”).
2. A report be provided to Council on any submissions received during the exhibition period. Should no adverse submissions be received the amended Policy be adopted at the close of the submission period.
3. Rescind the Council’s existing Anzac Day Services - Wreath Laying Ceremonies Policy (POL22/100) noting the provisions with respect to provision of wreaths have been incorporated into the proposed draft Councillor Expenses and Facilities Policy.

MOTION (Clr Wilkins / Clr Casmiri)

That Council

1. In accordance with Section 253 of the Local Government Act 1993, publicly exhibit the attached draft Councillor Expenses and Facilities Policy (Formerly known as “Council Members – Payment of Expenses and Provision of Facilities Policy”).
2. A report be provided to Council on any submissions received during the exhibition period. Should no adverse submissions be received the amended Policy be adopted at the close of the submission period.
3. Rescind the Council’s existing Anzac Day Services - Wreath Laying Ceremonies Policy (POL22/100) noting the provisions with respect to provision of wreaths have been incorporated into the proposed draft Councillor Expenses and Facilities Policy.

AMENDMENT (Clr Johnston / Clr Tribe)

That Council:

1. In accordance with Section 253 of the Local Government Act 1993, publicly exhibit the attached draft Councillor Expenses and Facilities Policy (Formerly known as “Council Members – Payment of Expenses and Provision of Facilities Policy”), with the following amendment: *To put a nominal budget of \$164,000 for the combined Councillors expenses, which will equate to \$12,000 for Councillors, \$14,000 for the deputy Mayor and \$18,000 for the Mayor.*

2. A report be provided to Council on any submissions received during the exhibition period. Should no adverse submissions be received the amended Policy be adopted at the close of the submission period.
3. Rescind the Council's existing Anzac Day Services - Wreath Laying Ceremonies Policy (POL22/100) noting the provisions with respect to provision of wreaths have been incorporated into the proposed draft Councillor Expenses and Facilities Policy.

FOR: Clr Tribe, Clr Johnston and Clr Krikstolaitis

AGAINST: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Norris and Clr Boyd

LOST

FURTHER AMENDMENT (Clr Tribe / Clr Johnston)

That Council

1. In accordance with Section 253 of the Local Government Act 1993, publicly exhibit the attached draft Councillor Expenses and Facilities Policy (Formerly known as "Council Members – Payment of Expenses and Provision of Facilities Policy") with the following additional note to the definition of official business: *Evidence be provided upon submission in the claims portal.*
2. Receive a report on any submissions received during the exhibition period. Should no adverse submissions be received the amended Policy be adopted at the close of the submission period.
3. Rescind the Council's existing Anzac Day Services - Wreath Laying Ceremonies Policy (POL22/100) noting the provisions with respect to provision of wreaths have been incorporated into the proposed draft Councillor Expenses and Facilities Policy.

FOR: Clr Tribe, Clr Norris, Clr Johnston and Clr Krikstolaitis

AGAINST: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot and Clr Boyd

LOST

RESOLVED (MOTION) (Clr Wilkins / Clr Casmiri)

MIN25.81

That Council:

1. In accordance with Section 253 of the Local Government Act 1993, publicly exhibit the attached draft Councillor Expenses and Facilities Policy (Formerly known as "Council Members – Payment of Expenses and Provision of Facilities Policy").
2. Receive a report on any submissions received during the exhibition period. Should no adverse submissions be received the amended Policy be adopted at the close of the submission period.
3. Rescind the Council's existing Anzac Day Services - Wreath Laying Ceremonies Policy (POL22/100) noting the provisions with respect to provision of wreaths have been incorporated into the proposed draft Councillor Expenses and Facilities Policy.

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

AGAINST: Nil

CARRIED

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

CL25.52 Ongoing Register of Pecuniary Interest Returns - January 2025 **HPERM Ref: D25/34203**

RESOLVED* (Clr Kemp / Clr Krikstolaitis) MIN25.82

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 January 2025 to 31 January 2025 be received for information.

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

AGAINST: Nil

CARRIED

CL25.53 Code of Conduct and Code of Conduct Procedures **HPERM Ref: D25/46606**

RESOLVED* (Clr Kemp / Clr Krikstolaitis) MIN25.83

That the:

1. Draft Code of Conduct (Attachment 1) be adopted with amendments as outlined in the report
2. Draft Code of Conduct Procedures (Attachment 2) be reaffirmed with minor amendment.

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

AGAINST: Nil

CARRIED

CL25.54 Complaint Handling Policy **HPERM Ref: D25/47393**

RESOLVED* (Clr Kemp / Clr Krikstolaitis) MIN25.84

That Council reaffirm and adopt the current Complaint Handling Policy with minor administrative amendment as attached to this report.

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

AGAINST: Nil

CARRIED

CL25.56 Audit Kerbside Wheely Bins Use & Cross Contamination Levels **HPERM Ref: D25/73843**

Recommendation

That Council:

1. Receives and notes the report.
2. Not proceed with undertaking a kerbside bin audit at this time.
3. Note that a kerbside bin audit may be instigated as part of a review of councils waste strategy in the future.

RESOLVED (Clr Krikstolaitis / Clr Dunn)

MIN25.85

That Council:

1. Receives and notes the report.
2. Not proceed with undertaking a kerbside bin audit at this time.
3. Note that a kerbside bin audit may be instigated as part of a review of councils waste strategy in the future

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

AGAINST: Nil

CARRIED

BP/KD

**CL25.57 Consideration - Proponent DCP Amendment Request –
48 to 52 Paradise Beach Road, Sanctuary Point**

**HPERM Ref:
D25/46498**

Recommendation

That Council:

1. Acknowledge the Planning Proposal history of 48-54 Paradise Beach Road, Sanctuary Point and the resulting Local Environmental Plan (LEP) clause requiring a site-specific Development Control Plan (DCP) to be prepared prior to development consent being granted for multi-dwelling housing;
2. Undertake a detailed assessment of the draft DCP provisions prepared by the proponent, prepare a draft DCP for the land and report the matter to Council for consideration prior to exhibition.

RESOLVED (Clr Proudfoot / Clr Clancy)

MIN25.86

That Council:

1. Acknowledge the Planning Proposal history of 48-54 Paradise Beach Road, Sanctuary Point and the resulting Local Environmental Plan (LEP) clause requiring a site-specific Development Control Plan (DCP) to be prepared prior to development consent being granted for multi-dwelling housing;
2. Undertake a detailed assessment of the draft DCP provisions prepared by the proponent, prepare a draft DCP for the land and report the matter to Council for consideration prior to exhibition.

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

AGAINST: Nil

CARRIED

CL25.58 Adjustment - Delegation - Plan Making (LEP) Process

**HPERM Ref:
D25/25769**

RESOLVED* (Clr Norris / Clr Boyd)

MIN25.87

That Council, pursuant to Section 381 of the NSW Local Government Act, consents to the NSW Minister for Planning and Public Spaces giving the required delegations under Section 2.4 of the NSW Environmental Planning & Assessment Act, in regard to the plan making process, to the positions of Chief Executive Officer, Director City Development and Strategic Planning Manager.

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

AGAINST: Nil

CARRIED

CL25.59 Progress Update - Detailed Planning - Moss Vale Road North Urban Release Area	HPERM Ref: D25/34891
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Note: A Deputation was received on this item.

Recommendation

That Council:

1. Notes the progress update on the preparation of local planning documents for the Moss Vale Road North Urban Release Area (URA), which includes a summary of the outcomes of the public exhibition of a draft Development Control Plan (DCP) Chapter and a Local Infrastructure Contributions Framework paper.
2. Endorse the adjustment of the exhibited draft DCP controls in accordance with the amendments listed in **Attachment 2 – Recommended Adjustments to Draft Development Controls**.
3. Continue to investigate and resolve a local infrastructure contributions framework for the URA which identifies, designs, and costs essential infrastructure and confirms infrastructure funding options.
4. Collaborate with the Moss Vale North Owners Group to identify opportunities for further adjustments of the draft development controls and inform the preparation of the local infrastructure contributions framework.
5. Receive a further report on the recommended approach to settle a local infrastructure contributions framework for the URA and adopt the development controls intended to guide development of the URA.

RESOLVED (Clr Wilkins / Clr Cox) MIN25.88

That the matter be deferred to a Councillor Briefing.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Cox, Clr Wilkins and Clr Proudfoot

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

CARRIED

CL25.60 Connection to Town Sewerage System - 20 Church Street Milton - DA24/2386	HPERM Ref: D25/36682
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RESOLVED* (Clr Norris / Clr Dunn) MIN25.89

That Council approve the connection of Lot 11 DP 1274134, 20 Church Street Milton to the Milton/Ulladulla Sewerage Scheme by a pressure sewer system and subject to the applicant complying with all conditions specified in the Shoalhaven Water, Water Development Notice.

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

AGAINST: Nil

CARRIED

CL25.61 Policy Review - Backflow Prevention and Cross Connection Control **HPERM Ref: D25/55630**

RESOLVED* (Clr Norris / Clr Dunn) MIN25.90

That Council reaffirm the Backflow Prevention and Cross Connection Control.

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

AGAINST: Nil

CARRIED

Note: The Mayor acknowledged Director McIntyre going on long service leave, and thanked him all his work as a Director in Council.

MM25.3 Mayoral Minute - Senior Staff Contractual Matters Committee - Appointment of a CEO **HPERM Ref: D25/69302**

Note: The Acting CEO and senior staff left the room while this item was being discussed and voted on.

Recommendation

1. That the Purpose, Delegated Authority and membership of the Senior Staff and Contractual Matters Committee be as follows:

<u>Meetings per year</u> – As required	<u>Quorum</u> – Three (3)
No set commencement time	(5001E)
Purpose and Delegated Authority	
The Committee be delegated authority under Section 377 of the Local Government Act to consider information and advice from the Chief Executive Officer (CEO) with respect to organisational structure and related topics.	
<u>CEO Appointment and Performance Review Sub- Committee</u>	
In accordance with the 'Guidelines for the Appointment and Oversight of General Managers 2022':	
<ol style="list-style-type: none"> 1. Undertake recruitment for the position of the CEO in the circumstance that the position becomes vacant as follows: <ol style="list-style-type: none"> a. Final short- listing of candidates b. Interview of Short-listed candidates c. Ensuring reference checks and other relevant background checks are completed d. Completion of a Selection Panel Report which is to be provided for consideration to a closed Meeting of the Council that: <ol style="list-style-type: none"> i. outlines the selection process ii. recommends the most meritorious applicant with reasons iii. recommends an eligibility list if appropriate iv. recommends that no appointment is made if the outcome of interviews is that there are no suitable applicants 2. Undertake performance reviews of the CEO including: <ol style="list-style-type: none"> a. inviting non- member Councillors to contribute to the performance review process by providing feedback to the mayor on the CEO's performance relevant to the agreed performance criteria. 	

- b. conducting performance reviews
- c. reporting the findings and recommendations of reviews to the council in closed session for determination, and
- d. development of the performance agreement.

Note: Section 377(1)(a) of the Local Government Act provides that the appointment of a Chief Executive Officer (General Manager) can only be determined by resolution of the Elected Council.

Chairperson – Mayor

2024-2025 Councillor / Staff

Membership

Mayor White - Chairperson
All Councillors
CEO

Sub- Committee to undertake Delegations 1&2:

- Mayor (Clr White)
- Deputy Mayor (Clr Wilkins)
- Assistant Deputy Mayor (Clr Norris)
- Clr Clancy (as per resolution MIN24.530)

Additional Member – Delegation 1

- Independent Member

Additional Members – Delegation 2

- Appointed External Professional Facilitator (Observer)
- Clr Nominated by CEO

2. That the Council formally delegate to the Mayor the following tasks with respect the Appointment of a CEO :
 - a. Selection of provider of Recruitment Services in accordance with Council Procurement Procedures
 - b. Securing the services of an Independent Person to participate in the appointment process.
 - c. The CEO's position description is current and evaluated in terms of salary to reflect the responsibilities of the position.
 - d. The proposed salary range reflects the responsibilities and duties of the position.
 - e. The position is advertised according to the requirements of the Act.
 - f. Information packages are prepared, and
 - g. Applicants selected for interview are notified.

RESOLVED (Clr White / Clr Wilkins)

MIN25.91

1. That the Purpose, Delegated Authority and membership of the Senior Staff and Contractual Matters Committee be as follows:

<u>Meetings per year</u> – As required	<u>Quorum</u> – Three (3)
No set commencement time	(5001E)
Purpose and Delegated Authority	
The Committee be delegated authority under Section 377 of the Local Government Act to consider information and advice from the Chief Executive Officer (CEO) with respect to organisational structure and related topics.	
<u>CEO Appointment and Performance Review Sub- Committee</u>	
In accordance with the 'Guidelines for the Appointment and Oversight of General Managers 2022':	

1. Undertake recruitment for the position of the CEO in the circumstance that the position becomes vacant as follows:
 - a. Final short- listing of candidates
 - b. Interview of Short-listed candidates
 - c. Ensuring reference checks and other relevant background checks are completed
 - d. Completion of a Selection Panel Report which is to be provided for consideration to a closed Meeting of the Council that:
 - i. outlines the selection process
 - ii. recommends the most meritorious applicant with reasons
 - iii. recommends an eligibility list if appropriate
 - iv. recommends that no appointment is made if the outcome of interviews is that there are no suitable applicants
2. Undertake performance reviews of the CEO including:
 - a. inviting non- member Councillors to contribute to the performance review process by providing feedback to the mayor on the CEO's performance relevant to the agreed performance criteria.
 - b. conducting performance reviews
 - c. reporting the findings and recommendations of reviews to the council in closed session for determination, and
 - d. development of the performance agreement.

Note: Section 377(1)(a) of the Local Government Act provides that the appointment of a Chief Executive Officer (General Manager) can only be determined by resolution of the Elected Council.

Chairperson – Mayor

2024-2025 Councillor / Staff

Membership

Mayor White - Chairperson
All Councillors
CEO

Sub- Committee to undertake Delegations 1&2:

- Mayor (Clr White)
- Deputy Mayor (Clr Wilkins)
- Clr Proudfoot
- Clr Clancy (as per resolution MIN24.530)

Additional Member – Delegation 1

- Independent Member

Additional Members – Delegation 2

- Appointed External Professional Facilitator (Observer)
- Clr Nominated by CEO

2. That the Council formally delegate to the Mayor the following tasks with respect the Appointment of a CEO :
 - a. Selection of provider of Recruitment Services in accordance with Council Procurement Procedures
 - b. Securing the services of an Independent Person to participate in the appointment process.
 - c. The CEO's position description is current and evaluated in terms of salary to reflect the responsibilities of the position.
 - d. The proposed salary range reflects the responsibilities and duties of the position.

- e. The position is advertised according to the requirements of the Act.
- f. Information packages are prepared, and
- g. Applicants selected for interview are notified.

FOR: Clr White, Clr Clancy, Clr Kemp, Clr Casmiri, Clr Cox, Clr Wilkins and Clr Proudfoot

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

CARRIED

Clr Cox raised a Point of Order against Clr Krikstolaitis for calling Councillors corrupt.

The Mayor ruled it as a Point of Order and requested Clr Krikstolaitis to withdraw his statement about Councillors being corrupt and unreservedly apologise.

Clr Krikstolaitis refused the request to withdraw his statement and apologise and promptly left the room before the close of the meeting, the time being 8.56pm.

There being no further business, the meeting concluded, the time being 8:57pm.

Clr White
CHAIRPERSON