

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 27 June 2022
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.31pm

The following members were present:

Clr Amanda Findley – Chairperson (Remotely)
Clr John Kotlash
Clr Matthew Norris
Clr Liza Butler
Clr Moo D'Ath (Remotely)
Clr Serena Copley
Clr Paul Ell (Remotely)
Clr Evan Christen
Clr Patricia White (Remotely)
Clr John Wells (Remotely)
Clr Greg Watson
Clr Mark Kitchener (left 10.10pm)
Clr Tonia Gray (Remotely)

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

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

Apologies / Leave of Absence

RESOLVED (Clr Gray / Clr Christen) MIN22.401

That Clr Butler be granted a Leave of Absence for the following meetings:

- Ordinary Meeting - Monday 18 July 2022
- Ordinary Meeting – Monday 8 August 2022

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

AGAINST: Nil

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Christen / Clr Norris)

MIN22.402

That the Minutes of the Ordinary Meeting held on Monday 06 June 2022 and the Extra Ordinary Meeting held on Tuesday 14 June 2022 and the Extra Ordinary Meeting held on Thursday 16 June 2022 be confirmed.

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

AGAINST: Nil

CARRIED

Declarations of Interest

Clr Gray – CL22.272 - Update & Next Steps - Planning Proposal PP045 - Sealark Road, Callala Bay – less than significant non pecuniary interest declaration – the architect has had professional dealings with her work, she employed him 20 years ago – will remain in the room and will take part in discussion and vote.

Clr Eil – CL22.282 - DA20/1762 - 127 Princes Highway, Ulladulla - Lot 6, DP 535004 - Mixed Use Development – significant non pecuniary interest declaration – the property owner has had previous professional dealings with the firm he is employed by – will leave the room and will not take part in discussion or vote.

Clr Eil – CL22.284 - RD21/1001 - 260 Mount Hay Rd (Priv) Broughton Vale - Lot 2 DP 4498 – significant non pecuniary interest declaration – the property owner has had previous professional dealings with the firm he is employed by – will leave the room and will not take part in discussion or vote.

Clr Butler – CL22.282 - DA20/1762 - 127 Princes Highway, Ulladulla - Lot 6, DP 535004 - Mixed Use Development – less than significant non pecuniary interest declaration – she has previously done work for one of the deputies – will remain in the room and will take part in discussion and vote.

MAYORAL MINUTE

**MM22.10 Mayoral Minute - Retirement of Marine Rescue NSW
Zone Duty Operations Manager (Illawarra) Bruce Mitchell
ESM**

**HPERM Ref:
D22/253858**

Recommendation

That Council:

1. Write to Bruce Mitchell ESM congratulating him on his retirement and thanking him for 22 years' service with Marine Rescue NSW.
2. Together with Marine Rescue NSW, co-host a celebratory retirement lunch held in Bruce's honour in recognition of his achievements.

RESOLVED (Clr Findley / Clr Gray)

MIN22.403

That Council:

1. Write to Bruce Mitchell ESM congratulating him on his retirement and thanking him for 22 years' service with Marine Rescue NSW.

Minutes Confirmed Monday 18 July 2022 – Chairperson

2. Together with Marine Rescue NSW, co-host a celebratory retirement lunch held in Bruce's honour in recognition of his achievements.

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

AGAINST: Nil

CARRIED

DEPUTATIONS AND PRESENTATIONS

CL22.272 - Update & Next Steps - Planning Proposal PP045 - Sealark Road, Callala Bay (page 107)

Mr Duncan Marshall (Callala Bay Community Association) addressed the meeting to speak AGAINST the recommendation.

Mr Patrick Mahedy representing PRM Architects and Town Planners addressed the meeting to speak FOR the recommendation.

CL22.282 - DA20/1762 - 127 Princes Highway, Ulladulla - Lot 6, DP 535004 - Mixed Use Development (page 172)

Mr Ian Carroll addressed the meeting to speak AGAINST the recommendation.

CL22.284 - RD21/1001 - 260 Mount Hay Rd (Priv) Broughton Vale - Lot 2 DP 4498 (page 189)

Ms Louise Hallum addressed the meeting to speak AGAINST the recommendation.

Ms Robyn Baxendale representing herself & Mr Stuart Coughlan representing the Berry Forum addressed the meeting to speak FOR the recommendation.

CL22.285 - Access Agreement – Gas Pipeline – Shoalhaven Starches Bomaderry.

Mr Brian Hanley representing Shoalhaven Starches P/L Bomaderry addressed the meeting to speak FOR the recommendation.

Introduction of Items as Matters of Urgency

RESOLVED (Clr Wells / Clr Norris)

MIN22.404

That the following addendum report be introduced as a matter of urgency:

- CL22.296 Access Agreement - Gas Pipeline - Shoalhaven Starches Bomaderry

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

AGAINST: Nil

CARRIED

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

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr Wells / Clr White)

MIN22.405

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

- CL22.263 – Local Government Remuneration Tribunal - Determination of Councillor and Mayoral Fees 2022/2023
- CL22.265 – Code of Conduct and Code of Conduct Procedures
- CL22.266 – Petitions To Council Policy for Reaffirmation
- CL22.269 - Ongoing Register of Pecuniary Interest Returns - May 2022

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Wells / Clr Watson)

MIN22.406

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

- CL22.273 – Update on Proposed Strategic Property Purchase in Bomaderry

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Ell)

MIN22.407

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

- CL22.274 – Lease Renewal Part Lot J DP 39259 Egans Lane, Nowra to Egans Lane Pty Ltd
- CL22.275 - Proposed Lease to Currarong Arts and Crafts Society Incorporated - Part 23-25 Walton Way, Currarong
- CL22.277 - Occupation of Part Lot A DP 343373, 173 Jacobs Drive, Sussex Inlet
- CL22.279 - Classification of Land - Lot 319 DP 1265359 Somerset Avenue, South Nowra
- CL22.280 - Exemption to Tendering - Basin Boardwalk Urgent Repairs
- CL22.281 - Exemption to Tendering - Property Management and Booking System - Holiday Haven

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Christen / Clr Findley)

MIN22.408

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

- CL22.283 - RA22/1002 – 44-52 Coomea Street, Bomaderry – Lot 19-23 Sec 25 DP 2886

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Norris)

MIN22.409

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

- CL22.288 - Acceptance of Grant Funding - Create NSW Project Grant - Plant your Feet exhibition

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Wells / Clr White)

MIN22.410

That the Councillor Conference Report be resolved en bloc:

- CL22.290 Oz Water Conference 2022

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

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

AGAINST: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Gray)

MIN22.411

That the following matters be brought forward for consideration:

- CL22.272 – Update & Next Steps - Planning Proposal PP045 - Sealark Road, Callala Bay
- CL22.282 – DA20/1762 - 127 Princes Highway, Ulladulla - Lot 6, DP 535004 - Mixed Use Development
- CL22.284 – RD21/1001 - 260 Mount Hay Rd (Priv) Broughton Vale - Lot 2 DP 4498
- CL22.285 – Access Agreement – Gas Pipeline – Shoalhaven Starches Bomaderry
- CL22.296 – Access Agreement - Gas Pipeline - Shoalhaven Starches Bomaderry

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

AGAINST: Nil

CARRIED

CL22.272 Update & Next Steps - Planning Proposal PP045 - Sealark Road, Callala Bay

HPERM Ref: D22/204358

Clr Gray – less than significant non pecuniary interest declaration – the architect has had professional dealings with her work, she employed him 20 years ago – remained in the room and took part in discussion and voted.

Note: Deputations were heard on this item

Recommendation

That Council

1. Receive the updated Planning Proposal for Sealark Road, Callala Bay (PP045) for information.
2. Seek a new Gateway determination from the NSW Department of Planning and Environment (DPE) for the updated Planning Proposal (PP045).
3. Seek feedback from the following Government agencies in respect of the relevant Ministerial directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979*:
 - a. The Floodplain and Estuaries Team in the Environment and Heritage Division of DPE regarding Ministerial Direction 4.1 (Flooding).
 - b. The NSW Rural Fire Service regarding Ministerial Direction 4.3 (Planning for Bushfire Protection).
4. If the outcomes of parts 2 and 3 are all favourable, publicly exhibit the PP.
5. If any outcomes of parts 2 and 3 are not favourable, receive a further report to determine if the PP should be continued.
6. Advise relevant stakeholders of this decision.

RESOLVED (Clr Christen / Clr D'Ath)

MIN22.412

That Council:

1. Receive the updated Planning Proposal for Sealark Road, Callala Bay (PP045) for information.
2. Not seek a new Gateway determination from the NSW Department of Planning and Environment (DPE) for the updated Planning Proposal (PP045).

FOR: Cllr Findley, Cllr Kotlash, Cllr Norris, Cllr Butler, Cllr D'Ath, Cllr Christen, Cllr White and Cllr Gray

AGAINST: Cllr Copley, Cllr Ell, Cllr Wells, Cllr Watson and Cllr Kitchener

CARRIED

Note: Councillor Ell left the meeting prior to discussion of the following item – 7.27pm

CL22.282 DA20/1762 - 127 Princes Highway, Ulladulla - Lot 6, DP 535004 - Mixed Use Development	HPERM Ref: D22/222686
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Cllr Ell – significant non pecuniary interest declaration – the property owner has had previous professional dealings with the firm he is employed by – left the meeting and did not take part in discussion or the vote.

Cllr Butler – less than significant non pecuniary interest declaration – she has previously done work for one of the deputies – remained in the room and took part in discussion and voted.

Note: A Deputation was heard on this item

Recommendation

That development application DA21/ 1762 for a Mixed Use Development including demolition of existing buildings, construction of 2 retail spaces, restaurant and six (6) residential units with 2 levels of car parking for 20 spaces at Lot 6 DP 535004, 127 Princes Highway, Ulladulla be approved with conditions as detailed in Attachment 2 of this report.

RESOLVED (Cllr White / Cllr Christen)

MIN22.413

That:

1. Development application DA21/1762 for a Mixed Use Development including demolition of existing buildings, construction of 2 retail spaces, restaurant and six (6) residential units with 2 levels of car parking for 20 spaces at Lot 6 DP 535004, 127 Princes Highway, Ulladulla be approved with conditions as detailed in Attachment 2 of this report, and
2. Additional conditions be included in the consent as follows;

Shoring and adequacy of adjoining property (insert into Part D)

The person having the benefit of the development consent must, at the person's own expense:

- a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
- b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

Details must be provided with application for a Construction Certificate.

De-watering of the excavation cavity (insert into Part C)

Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. Full plant and equipment details, an operational and monitoring plan and evidence of ability to achieve the required performance must be presented in the final plan submitted to the Principal Certifying Authority prior to works commencing. It may be necessary to engage with Shoalhaven Water in the preparation of the plan.

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

AGAINST: Nil

CARRIED

**CL22.284 RD21/1001 - 260 Mount Hay Rd (Priv) Broughton Vale -
Lot 2 DP 4498**

**HPERM Ref:
D22/218702**

Clr Ell – significant non pecuniary interest declaration – the property owner has had previous professional dealings with the firm he is employed by – had left the room and did not take part in discussion or vote.

Note: Deputations were heard on this item

Recommendation

That Council confirm the determination of DA20/1621 for the refusal of Development Application No. DA20/1621 *camping grounds comprising six (6) tent sites and a communal camp kitchen building* for the reasons as outlined in this report.

RESOLVED (Clr Butler / Clr White)

MIN22.414

That Council confirm the determination of DA20/1621 for the refusal of Development Application No. DA20/1621 *camping grounds comprising six (6) tent sites and a communal camp kitchen building* for the reasons as outlined in this report.

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

AGAINST: Nil

CARRIED

**CL22.285 Access Agreement – Gas Pipeline – Shoalhaven
Starches Bomaderry**

**HPERM Ref:
D22/258095**

Note: Clr Ell returned to the meeting at 7.47pm

Note: A Deputation was heard on this item

Recommendation

That the Introductory Report regarding the Addendum report – Access Agreement – Gas Pipeline – Shoalhaven Starches Bomaderry be received for information.

RESOLVED (Clr Findley / Clr Wells)

MIN22.415

That the Introductory Report regarding the Addendum report – Access Agreement – Gas Pipeline – Shoalhaven Starches Bomaderry be received for information.

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

AGAINST: Nil

CARRIED

ADDENDUM REPORTS

CL22.296 Access Agreement - Gas Pipeline - Shoalhaven Starches Bomaderry

HPERM Ref:
D22/258079

Recommendation

That Council:

1. Receive and note the report titled "Access Agreement Gas Pipeline – Shoalhaven Starches Bomaderry".
2. Delegate authority to the CEO to execute the Deed of Agreement on behalf of Shoalhaven City Council.

RESOLVED (Clr Findley / Clr Wells)

MIN22.416

That Council:

1. Receive and note the report titled "Access Agreement Gas Pipeline – Shoalhaven Starches Bomaderry".
2. Delegate authority to the CEO to execute the Deed of Agreement on behalf of Shoalhaven City Council.

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

AGAINST: Nil

CARRIED

REPORT OF THE HOMELESSNESS TASKFORCE SHOALHAVEN - 24 MAY 2022

HT22.15 Additional Item - Social Housing

Recommendation

That Council:

1. Immediately advocate for social housing funding, that is general in nature and not classified, (so that it can be utilised for all classifications of housing) to:
 - a. The Hon Anthony Albanese MP, Prime Minister of Australia.
 - b. The Minister for Social Services.
 - c. The Hon Fiona Phillips, Member for Gilmore.
2. Consider as part of future strategic discussions, how community cooperative housing can play a part in solving the affordable housing issues in the Shoalhaven.
3. Write to the Federal Minister for Planning and Homes to request that regional plans across NSW better identify social and affordable housing.
4. As part of advocating for Federal funding, the correspondence also be forwarded to the equivalent State counterparts.

RESOLVED (Clr Wells / Clr Kotlash)

MIN22.417

That Council:

1. Immediately advocate for social housing funding, that is general in nature and not classified, (so that it can be utilised for all classifications of housing) to:
 - a. The Honourable Anthony Albanese MP, Prime Minister of Australia.
 - b. The Minister for Social Services - The Hon Amanda Rishworth MP.
 - c. Mrs Fiona Phillips MP, Member for Gilmore.
2. Consider as part of future strategic discussions, how community cooperative housing can play a part in solving the affordable housing issues in the Shoalhaven.
3. Write to the Federal Minister for Planning and Homes to request that regional plans across NSW better identify social and affordable housing.
4. As part of advocating for Federal funding, the correspondence also be forwarded to the equivalent State counterparts.

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

AGAINST: Nil

CARRIED

HT22.13 Homelessness Interagency Submissions

**HPERM Ref:
D22/206113**

Recommendation

That:

1. The Council receive this report from the Shoalhaven Homelessness Interagency for information and consideration (attached).
2. Council consider the following propositions as strategic priorities for the Homelessness Taskforce Shoalhaven:
 - a. Crisis Term:
 - i. Council to negotiate the meanwhile-use of vacant properties as crisis accommodation for rough sleepers throughout winter period.
 - b. Short-Medium Term:
 - i. Disincentives for properties that are used as short-term holiday homes/ Incentives for owners that rent their properties on long-term leases (12 months+).
 - ii. Requirements for developers to create percentage of any new developments as affordable and/or social housing units.
 - iii. Push for State Government to expand social housing stock in Shoalhaven region.
 - iv. Evaluate Local Governance rules to maximise support for housing developments.
 - c. Long Term:
 - i. Lobby for the increase of statutory income supports (Centrelink) to Centrelink recipients to maintain basic living expenses amid growing rental costs.
3. The Homelessness Taskforce Shoalhaven receive a report back to a future meeting advising who is responsible for which item.

RESOLVED (Clr Christen / Clr D'Ath)

MIN22.418

That:

1. The Council receive this report from the Shoalhaven Homelessness Interagency for information and consideration (attached to the report).
2. The CEO commence investigation into the following strategic priorities for the Homelessness Taskforce Shoalhaven:
 - a. Crisis Term:
 - i. Council to negotiate the meanwhile-use of vacant properties as crisis accommodation for rough sleepers throughout winter period.
 - b. Short Term:
 - i. Disincentives for properties that are used as short-term holiday homes/ Incentives for owners that rent their properties on long-term leases (12 months+).
 - ii. Evaluate Local Governance rules to maximise support for housing developments.
 - c. Medium Term:
 - i. Requirements for developers to create percentage of any new developments as affordable and/or social housing units.
 - ii. Push for State Government to expand social housing stock in Shoalhaven region.
 - d. Long term:
 - i. Lobby for the increase of statutory income supports (Centrelink) to Centrelink recipients to maintain basic living expenses amid growing rental costs.
3. Council receive a report back on the outcome of the investigation.

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

AGAINST: Clr Kitchener

CARRIED

Procedural Motion - Bring Item Forward**RESOLVED** (Clr Wells / Clr Norris)

MIN22.419

That the following matters be brought forward for consideration:

- CL22.264 - Code of Meeting Practice for Adoption
- CL22.267 – Community Donations Policy - For Adoption
- CL22.268 – Loan Request - Murramarang Men's Shed Inc
- CL22.270 - Investment Report - May 2022

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

AGAINST: Nil

CARRIED

CL22.264 Code of Meeting Practice for Adoption**HPERM Ref:
D22/249588****Recommendation**

That Council

1. Adopt the Draft Code of Meeting Practice as provided as attached to the report noting that no submissions were received during the public exhibition period.
2. Schedule a Public Forum (as required) at 4.00pm prior to the commencement of each Council Ordinary Meeting at 5.30pm.

RESOLVED (Clr Norris / Clr Ell)

MIN22.420

That Council:

1. Adopt the Draft Code of Meeting Practice as attached to the report with the following amendments which reflect the status quo:
 - a. The Public Forum (deputations) be retained within the Council Meeting
 - b. Council Meetings commencing at 5.30pm
2. Receive a Councillor Briefing / Workshop to allow for further discussion on options for Public Forums
3. Following the conclusion of Part 2 (above) a report be submitted to Council providing a further draft revision of the Code of Meeting Practice for adoption.

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

AGAINST: Nil

CARRIED

Procedural Motion - Adjournment of Meeting**RESOLVED** (Clr Watson / Clr Christen)

MIN22.421

That the meeting be adjourned until 8.50pm to allow for refreshments.

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

AGAINST: Nil

CARRIED

The meeting adjourned the time being 8.17pm

The meeting reconvened the time being 8.51pm

The following members were present:

Clr Amanda Findley – Chairperson (Remotely)
Clr John Kotlash
Clr Matthew Norris
Clr Liza Butler
Clr Moo D'Ath (Remotely)
Clr Serena Copley

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Clr Paul Ell (Remotely)
Clr Evan Christen
Clr Patricia White (Remotely)
Clr John Wells (Remotely)
Clr Greg Watson
Clr Mark Kitchener
Clr Tonia Gray (Remotely)

CL22.267 Community Donations Policy - For Adoption**HPERM Ref:
D22/183753****Recommendation**

That Council

1. Note the details of the submissions received during the public exhibition period as outlined in the report
2. Adopt the Final Draft Community Donations Policy, Guidelines and Application Form provided as attachments to the report
3. Advise all current recipients of the changes to the Donations Policy and timetable for applications for 2022/2023.

RESOLVED (Clr White / Clr Wells)

MIN22.422

That Council:

1. Note the details of the submissions received during the public exhibition period as outlined in the report
2. Adopt the Final Draft Community Donations Policy, Guidelines and Application Form provided as attachments to the report
3. Advise all current recipients of the changes to the Donations Policy and timetable for applications for 2022/2023.

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

AGAINST: Nil

CARRIED

CL22.268 Loan Request - Murramarang Men's Shed Inc**HPERM Ref:
D22/113980****Recommendation**

That Council grant an interest free loan of \$25,000 in accordance with the Loans (Advances) to Community Groups Policy (POL17/72) to the Murramarang Men's Shed Inc. to complete Stage 2 of the Murramarang Men's Shed construction as detailed in the report.

RESOLVED (Clr White / Clr Butler)

MIN22.423

That Council grant an interest free loan of \$25,000 in accordance with the Loans (Advances) to Community Groups Policy (POL17/72) to the Murramarang Men's Shed Inc. to complete Stage 2 of the Murramarang Men's Shed construction as detailed in the report.

CARRIED

CL22.270 Investment Report - May 2022

HPERM Ref:
D22/236614

Recommendation

That Council:

1. Receive the Record of Investments for the Period to 31 May 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.85% per annum for the month of May 2022, exceeding the benchmark AusBond Bank Bill Index (0.41% pa) by 44 basis points (0.44%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

RESOLVED (Clr Christen / Clr Wells)

MIN22.424

That Council:

1. Receive the Record of Investments for the Period to 31 May 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.85% per annum for the month of May 2022, exceeding the benchmark AusBond Bank Bill Index (0.41% pa) by 44 basis points (0.44%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

CARRIED

REPORTS

CL22.261 Delivery Program and Operational Plan, Budget 2022/23 - Exhibition Outcomes

HPERM Ref:
D22/219215

Recommendation

That having considered the submissions received as part of the exhibition process for the Draft Delivery Program and Operational Plan 2022/23 including Budget, Capital Works Program and Fees and Charges, and Resourcing Strategy, Council:

1. Adopt the 2022/23 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 2022/23 Capital Works Program identified in Table 1. In order to maintain balanced budget, these projects will be funded by the budget transfers from other capital works to be confirmed at the June 2022 Budget Quarterly Review:
 - i. Quay Rd - Pedestrian Shared User Path Design Urban Upgrade/New \$50,000 (\$900,000 Stage 1 in 2023/24, \$900,000 Stage 2 in 2024/25)
 - ii. Silkwood Walk – Streetscape Walk Path Lighting Urban Upgrade/New \$25,000
 - iii. Shoalhaven Heads Viewing Platform \$262,000 (includes \$137,000 grant funding)
 - c. Note that the budget will remain flexible and might be subject to change particularly given the volatility of the energy market and high inflation.

2. Adopt the 2022/23 Fees and Charges Part 1 and Part 2 with the following changes:
 - a. Inclusion of Sewage Management Charges and changes as per council resolution MIN22.346
 - b. Updated increases to companion animal NSW Government fees for 2022/23 (Office of Local Government Circular 22-16)
 - c. Updated relevant Development Application fees as set by NSW Act/regulation (Environmental Planning and Assessment Regulations 2021 [NSW] Schedule 4)
 - d. Updated Nowra Library meeting room hire (align with fees listed under Community Facilities, category E (small meeting room))
 - e. Fees for Outdoor Dining updated to be \$0 for the 2022/2023 financial year.
3. Adopt the Resourcing Strategy 2022-26, including the Workforce Strategy, Asset Management Strategy and Plan, ICT Strategy and Long-Term Financial Plan 2022-32
4. Resolve to make the following rates and charges in accordance with Section 535 of the Local Government Act 1993 inclusive of a 4.53% rate increase:
 - a. Make an Ordinary Rate, consisting of an ad valorem rate of 0.18978c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) 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 2022 to 30 June 2023 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 ninety-seven dollars (\$697.00) 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 0.38983c 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 2022 to 30 June 2023 and, in accordance with Section 543(1), this rate be named “BUSINESS”.
 - c. Make an Ordinary Rate, consisting of an ad valorem rate of 0.15700c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) 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 2022 to 30 June 2023 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 ninety-seven dollars (\$697.00) 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 24.42%].
 - d. Make an Ordinary Rate, consisting of an ad valorem rate of 0.18978c for each dollar of rateable land value in addition to a base amount of forty-nine dollars (\$49.00) 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 2022 to 30 June 2023, 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-nine dollars (\$49.00) 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 40.30%].

- e. Make an Ordinary Rate, consisting of an ad valorem rate of 0.59010c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) 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 2022 to 30 June 2023 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 ninety-seven dollars (\$697.00) 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 15.83%].

- f. Make an Ordinary Rate, consisting of an ad valorem rate of 0.27380c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) 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 2022 to 30 June 2023 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 ninety-seven dollars (\$697.00) 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 30.57%].

- g. Make an Ordinary Rate, consisting of an ad valorem rate of 0.07990c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) 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 2022 to 30 June 2023 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 ninety-seven dollars (\$697.00) 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 33.12%].

- 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 2022 to 30 June

2023 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 0.14057c for each dollar of rateable land value in addition to a base amount of two hundred and ninety-seven dollars (\$297.00), 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 2022 to 30 June 2023 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-seven dollars (\$297.00) 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 49.83%].

- 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 2022 to 30 June 2023 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 0.43105c for each dollar of rateable land value in addition to a base amount of one thousand one hundred and thirty-six dollars (\$1,136.00) 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 2022 to 30 June 2023 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 thirty-six dollars (\$1,136.00) 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 49.96%].

- l. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.14536c for each dollar of rateable land value in addition to a base amount of three hundred and eighty-three dollars (\$383.00) 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 2022 to 30 June 2023 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 eighty-three dollars (\$383.00) 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 49.96%].

- 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 2022 to 30 June 2023 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 0.03311c 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 2022 to 30 June 2023 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 2022 to 30 June 2023, comprising a Water Usage Charge of \$1.90 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 2022/23
20 mm	\$84
25 mm	\$140
32mm	\$226
40mm	\$354
50mm	\$556
80mm	\$1,417
100mm	\$2,216

150mm	\$4,981
200mm	\$8,858

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 Sewer Usage and Sewer Availability, in accordance with Section 502 and 552(3) (a) and (b), for the period 1 July 2022 to 30 June 2023, comprising a Sewer Usage Charge of \$2.00 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 2022/23
20 mm	\$910
25 mm	\$1,269
32mm	\$1,938
40mm	\$2,570
50mm	\$3,635
80mm	\$7,499
100mm	\$10,751
150mm	\$18,527
200mm	\$28,744

Properties with multiple water meter service connections will be levied a sewer 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 “SEWER USAGE CHARGE” and “SEWER 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 2022 to 30 June 2023, 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 \$441 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 \$767, the 120-litre landfill bin may be substituted for a 240-litre landfill bin. For a lower annual charge of \$335, 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 2022 to 30 June 2023, 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 \$441 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 \$767, the 120-litre landfill bin may be substituted for a 240-litre landfill bin. For a lower annual charge of \$335, 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 2022 to 30 June 2023, of \$96 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 2022 to 30 June 2023, 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 6.0%, pursuant to Section 566(3) of the Local Government Act 1993, for the period 1 July 2022 to 30 June 2023 (inclusive), which does not exceed the maximum interest rate chargeable on overdue rates and charges, accruing daily on a simple interest basis.

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 Butler / Clr Christen)

MIN22.425

That having considered the submissions received as part of the exhibition process for the Draft Delivery Program and Operational Plan 2022/23 including Budget, Capital Works Program and Fees and Charges, and Resourcing Strategy, Council:

1. Adopt the 2022/23 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 2022/23 Capital Works Program identified in Table 1. In order to maintain balanced budget, these projects will be funded by the budget transfers from other capital works to be confirmed at the June 2022 Budget Quarterly Review:
 - i. Quay Rd - Pedestrian Shared User Path Design Urban Upgrade/New \$50,000 (\$900,000 Stage 1 in 2023/24, \$900,000 Stage 2 in 2024/25)
 - ii. Silkwood Walk – Streetscape Walk Path Lighting Urban Upgrade/New \$25,000
 - iii. Shoalhaven Heads Viewing Platform \$262,000 (includes \$137,000 grant funding)
 - c. Note that the budget will remain flexible and might be subject to change particularly given the volatility of the energy market and high inflation.

2. Adopt the 2022/23 Fees and Charges Part 1 and Part 2 with the following changes:
 - a. Inclusion of Sewage Management Charges and changes as per council resolution MIN22.346
 - b. Updated increases to companion animal NSW Government fees for 2022/23 (Office of Local Government Circular 22-16)
 - c. Updated relevant Development Application fees as set by NSW Act/regulation (Environmental Planning and Assessment Regulations 2021 [NSW] Schedule 4)
 - d. Updated Nowra Library meeting room hire (align with fees listed under Community Facilities, category E (small meeting room))
 - e. Fees for Outdoor Dining updated to be \$0 for the 2022/2023 financial year.
3. Adopt the Resourcing Strategy 2022-26, including the Workforce Strategy, Asset Management Strategy and Plan, ICT Strategy and Long-Term Financial Plan 2022-32
4. Resolve to make the following rates and charges in accordance with Section 535 of the Local Government Act 1993 inclusive of a 4.53% rate increase:
 - a. Make an Ordinary Rate, consisting of an ad valorem rate of 0.18978c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) 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 2022 to 30 June 2023 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 ninety-seven dollars (\$697.00) 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 0.38983c 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 2022 to 30 June 2023 and, in accordance with Section 543(1), this rate be named “BUSINESS”.
 - c. Make an Ordinary Rate, consisting of an ad valorem rate of 0.15700c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) 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 2022 to 30 June 2023 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 ninety-seven dollars (\$697.00) 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 24.42%].
 - d. Make an Ordinary Rate, consisting of an ad valorem rate of 0.18978c for each dollar of rateable land value in addition to a base amount of forty-nine dollars (\$49.00) 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 2022 to 30 June 2023, 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-nine dollars (\$49.00) 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 40.30%].

- e. Make an Ordinary Rate, consisting of an ad valorem rate of 0.59010c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) 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 2022 to 30 June 2023 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 ninety-seven dollars (\$697.00) 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 15.83%].

- f. Make an Ordinary Rate, consisting of an ad valorem rate of 0.27380c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) 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 2022 to 30 June 2023 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 ninety-seven dollars (\$697.00) 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 30.57%].

- g. Make an Ordinary Rate, consisting of an ad valorem rate of 0.07990c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) 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 2022 to 30 June 2023 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 ninety-seven dollars (\$697.00) 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 33.12%].

- 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 2022 to 30 June

2023 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 0.14057c for each dollar of rateable land value in addition to a base amount of two hundred and ninety-seven dollars (\$297.00), 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 2022 to 30 June 2023 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-seven dollars (\$297.00) 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 49.83%].

- 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 2022 to 30 June 2023 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 0.43105c for each dollar of rateable land value in addition to a base amount of one thousand one hundred and thirty-six dollars (\$1,136.00) 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 2022 to 30 June 2023 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 thirty-six dollars (\$1,136.00) 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 49.96%].

- l. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.14536c for each dollar of rateable land value in addition to a base amount of three hundred and eighty-three dollars (\$383.00) 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 2022 to 30 June 2023 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 eighty-three dollars (\$383.00) 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 49.96%].

- 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 2022 to 30 June 2023 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 0.03311c 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 2022 to 30 June 2023 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 2022 to 30 June 2023, comprising a Water Usage Charge of \$1.90 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 2022/23
20 mm	\$84
25 mm	\$140
32mm	\$226
40mm	\$354
50mm	\$556
80mm	\$1,417
100mm	\$2,216

150mm	\$4,981
200mm	\$8,858

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 Sewer Usage and Sewer Availability, in accordance with Section 502 and 552(3) (a) and (b), for the period 1 July 2022 to 30 June 2023, comprising a Sewer Usage Charge of \$2.00 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 2022/23
20 mm	\$910
25 mm	\$1,269
32mm	\$1,938
40mm	\$2,570
50mm	\$3,635
80mm	\$7,499
100mm	\$10,751
150mm	\$18,527
200mm	\$28,744

Properties with multiple water meter service connections will be levied a sewer 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 “SEWER USAGE CHARGE” and “SEWER 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 2022 to 30 June 2023, 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 \$441 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 \$767, the 120-litre landfill bin may be substituted for a 240-litre landfill bin. For a lower annual charge of \$335, 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 2022 to 30 June 2023, 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 \$441 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 \$767, the 120-litre landfill bin may be substituted for a 240-litre landfill bin. For a lower annual charge of \$335, 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 2022 to 30 June 2023, of \$96 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 2022 to 30 June 2023, 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 6.0%, pursuant to Section 566(3) of the Local Government Act 1993, for the period 1 July 2022 to 30 June 2023 (inclusive), which does not exceed the maximum interest rate chargeable on overdue rates and charges, accruing daily on a simple interest basis.

- 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: Cllr Findley, Cllr Kotlash, Cllr Norris, Cllr Butler, Cllr D'Ath, Cllr Copley, Cllr Christen and Cllr Gray

AGAINST: Cllr Ell, Cllr White, Cllr Wells, Cllr Watson and Cllr Kitchener

CARRIED

CL22.262 Community Strategic Plan 2032 - Exhibition Outcomes

HPERM Ref:
D22/219668

Recommendation

That Council

1. Receive feedback provided by the community on the Draft Community Strategic Plan for information.
2. Endorse the Community Strategic Plan - Shoalhaven 2032 with recommended amendments.
3. Publish a copy of the endorsed Community Strategic Plan on Council's website and provide advice to the Office of Local Government.
4. 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 Christen / Clr Gray)

MIN22.426

That Council:

1. Receive for information the feedback provided by the community on the Draft Community Strategic Plan.
2. Adopt the existing Community Strategic Plan (CSP) - Shoalhaven 2027 as its interim Community Strategic Plan -Shoalhaven 2032 to allow for a further review of the Draft 2032 Plan (Attached to the report) within the next 3 months.

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

AGAINST: Clr Wells and Clr Kitchener

CARRIED

Procedural Motion – Extension of Meeting

RESOLVED (Clr White / Clr Wells)

MIN22.427

That the Ordinary Meeting be extended until 10.15pm.

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

AGAINST: Nil

CARRIED

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

CL22.263 Local Government Remuneration Tribunal - Determination of Councillor and Mayoral Fees 2022/2023

HPERM Ref:
D22/237879

RESOLVED* (Clr Wells / Clr White)

MIN22.428

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 20 April 2022.
2. Adjust the Councillor Fee payable to Councillors from 1 July 2022 to 30 June 2023 to be \$25,310 and the Additional Mayoral Fee to be \$62,510 being the maximum payable.
3. Not provide the additional Mayoral fee (in full, or in part), to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave.

CARRIED

CL22.264 Code of Meeting Practice for Adoption

HPERM REF:
D22/249588

Item dealt with earlier in the meeting see MIN22.420

CL22.265 Code of Conduct and Code of Conduct Procedures

**HPERM Ref:
D22/203450**

RESOLVED* (Clr Wells / Clr White)

MIN22.429

That:

1. The draft Code of Conduct (**Attachment 1**) be adopted with amendments as outlined in the report
2. The Code of Conduct Procedures (**Attachment 2**), being the procedure last adopted in December 2020 be reconfirmed without amendment.

CARRIED

CL22.266 Petitions To Council Policy for Reaffirmation

**HPERM Ref:
D22/189911**

RESOLVED* (Clr Wells / Clr White)

MIN22.430

That Council reaffirm the Petitions to Council Policy with no changes proposed.

CARRIED

CL22.267 Community Donations Policy - for Adoption

**HPERM REF:
D22/183753**

Item dealt with earlier in the meeting see MIN22.422

CL22.268 Loan Request - Murramarang Men's Shed Inc

**HPERM REF:
D22/113980**

Item dealt with earlier in the meeting see MIN22.423

CL22.269 Ongoing Register of Pecuniary Interest Returns - May 2022

**HPERM Ref:
D22/186420**

RESOLVED* (Clr Wells / Clr White)

MIN22.431

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 May to 31 May 2022 be received for information.

CARRIED

CL22.270 Investment Report - May 2022

**HPERM REF:
D22/236614**

Item dealt with earlier in the meeting see MIN22.424

CL22.271 Public Exhibition Outcomes and Finalisation - 2021 LEP Instrument Housekeeping Planning Proposal (PP062)

HPERM Ref: D22/194818

Recommendation

That Council:

1. Adopt Planning Proposal (PP062) as exhibited and forward to the NSW Department of Planning and Environment for finalisation.
2. Notify the adoption and commencement of the Amendment in accordance with legislative requirements.
3. Advise key stakeholders, including relevant industry representatives, Community Consultative Bodies (CCB's) and those who made a submission, of this decision and when the Amendment will be made effective.
4. Consider the content of Submission No.4 relating to parking for medium density development as part of the foreshadowed Medium Density Review (MIN22.197).

RESOLVED (Clr Butler / Clr White)

MIN22.432

That Council:

1. Adopt Planning Proposal (PP062) as exhibited and forward to the NSW Department of Planning and Environment for finalisation.
2. Notify the adoption and commencement of the Amendment in accordance with legislative requirements.
3. Advise key stakeholders, including relevant industry representatives, Community Consultative Bodies (CCB's) and those who made a submission, of this decision and when the Amendment will be made effective.
4. Consider the content of Submission No.4 relating to parking for medium density development as part of the foreshadowed Medium Density Review (MIN22.197).

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

AGAINST: Nil

CARRIED

CL22.272 Update & Next Steps - Planning Proposal Pp045 - Sealark Road, Callala Bay

HPERM REF: D22/204358

Item dealt with earlier in the meeting see MIN22.412

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

CL22.273 Update on Proposed Strategic Property Purchase in Bomaderry

HPERM Ref: D22/231619

RESOLVED* (Clr Wells / Clr Watson)

MIN22.433

That Council receive the report providing an update on the potential purchase of 5-11 Bunberra Street, Bomaderry.

CARRIED

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

CL22.274 Lease Renewal Part Lot J DP 39259 Egans Lane, Nowra to Egans Lane Pty Ltd

HPERM Ref: D22/163544

RESOLVED* (Clr White / Clr Ell)

MIN22.434

That Council:

1. Enters a three (3) year lease plus a two (2) year option to Egans Lane Pty Ltd for the lease of that part of Lot J in DP 39259 comprising the building, improvements, and curtilage, and located at Egans Lane, Nowra for the purpose of a covered dining area for use as part of a café and restaurant operated by the Lessee on adjoining land at a commencement rent of \$6,300 (plus GST) per annum adjusted annually to CPI.
2. Approves the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the Chief Executive Officer be authorised to sign any documentation necessary to give effect to this resolution.

CARRIED

CL22.275 Proposed Lease to Currarong Arts and Crafts Society Incorporated - Part 23-25 Walton Way, Currarong

HPERM Ref: D22/144890

RESOLVED* (Clr White / Clr Ell)

MIN22.435

That Council;

1. Note the property strategy for this site (part Lot 22, DP16854 part 23-25 Walton Way, Currarong) is to retain the existing tenant, finalise a lease and improve the condition of the building by allocating additional funds to the Operational and Capital budgets during the ten-year lease term.
2. Approve the Lease of part Lot 22, DP16854 part 23-25 Walton Way, Currarong to Currarong Arts and Crafts Society Incorporated for a period of ten years commencing 1 July 2022 at a rental of \$510 plus GST per annum with annual CPI increases and authorise the Chief Executive Officer to execute relevant documentation.
3. Note the estimated cost to Council of this arrangement over the next 10 years is \$175,827, (today's dollars), the key components being
 - a. Rental income of \$5,100 over the lease term. Note \$510 per annum
 - b. An operational budget of \$137,400 over the lease term for non-recoverable costs, reactive and scheduled maintenance repairs will be required in the 22/23 FY and beyond. This equates to an average of \$13,740 per annum.
 - c. A capital budget of \$43,527 for building works comprising of external painting, upgrades to the flooring, kitchen and bathroom required in the 23/24 FY and beyond. This equates to an annual average expense of \$4,353 per annum

CARRIED

CL22.276 Proposed Lease Renewals - Buildings 1, 2 and 3, 78 St. Vincent St. Ulladulla

HPERM Ref: D22/140015

Recommendation

That Council;

1. Note the property strategy for this site (Lot 1, DP1005058 part Buildings 1, 2 and 3 at 78 St Vincent Street Ulladulla) is to retain the existing tenants, finalise four lease renewals and align the lease expiry dates to 30 June 2026 and improve the condition of the buildings by allocating additional funds to the Operational and Capital budgets during the five-year lease term.
2. Approve the lease renewals at Lot 1, DP1005058 part Buildings 1, 2 and 3 at 78 St Vincent Street Ulladulla Buildings for a period of approximately five years expiring 30 June 2026 and authorise the Chief Executive Officer to execute relevant documentation for the following community leases. All leases provide for fixed increases and subsidised rentals for the following tenants;
 - a. Ulladulla and Districts Community Resources Centre
Building 1
Subsidised Rental \$6,131.18 per annum
Commencement date 1 July 2021
 - b. Mission Australia
Building 2
Subsidised Rental \$2,307.53 per annum
Commencement date 1 July 2021
 - c. Southern Shoalhaven Zone Meals on Wheels
Suites 1 and 3, Building 3 – occupation 43%
Subsidised Rental \$1,810.00 per annum
Commencement date 1 July 2021
 - d. Australian Unity Homecare Service Pty Limited
Suite 2, Building 3 – occupation 57%
Subsidised Rental \$10,706.50 per annum
Commencement date 1 May 2022
3. Note the estimated total cost to Council for this arrangement over a five years is \$124,997 (today's dollars), the key components being;
 - a. A total rental subsidy of \$105,856 per annum or \$519,806 over the lease terms expiring 30 June 2026.
 - b. A total operational budget of \$39,334 per annum or \$190,443 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
 - c. A capital budget of \$30,413 for building works comprising of a kitchen replacement and external painting which is required in the 23/24 FY and beyond. This equates to an annual average expense of \$6,083 per annum.

RESOLVED (Clr Butler / Clr White)

MIN22.436

That Council:

1. Note the property strategy for this site (Lot 1, DP1005058 part Buildings 1, 2 and 3 at 78 St Vincent Street Ulladulla) is to retain the existing tenants, finalise four lease renewals and align the lease expiry dates to 30 June 2026 and improve the condition of the buildings by allocating additional funds to the Operational and Capital budgets during the five-year lease term.
2. Approve the lease renewals at Lot 1, DP1005058 part Buildings 1, 2 and 3 at 78 St Vincent Street Ulladulla Buildings for a period of approximately five years expiring 30 June 2026 and

authorise the Chief Executive Officer to execute relevant documentation for the following community leases. All leases provide for fixed increases and subsidised rentals for the following tenants;

- a. Ulladulla and Districts Community Resources Centre
Building 1
Subsidised Rental \$6,131.18 per annum
Commencement date 1 July 2021
- b. Mission Australia
Building 2
Subsidised Rental \$2,307.53 per annum
Commencement date 1 July 2021
- c. Southern Shoalhaven Zone Meals on Wheels
Suites 1 and 3, Building 3 – occupation 43%
Subsidised Rental \$1,810.00 per annum
Commencement date 1 July 2021

3. Authorise the Chief Executive Officer to execute relevant documentation for the lease of Suite 2, Building 3 for approximately five years expiring 30 June 2026 to Australian Unity Homecare Service Pty Ltd at full market rental of \$21,413 per annum (No Subsidy)
4. Note the estimated total cost to Council for this arrangement over a five years is \$124,997 (today's dollars), the key components being;
 - a. A total rental subsidy of \$95,149 per annum or \$475,194 over the lease terms expiring 30 June 2026.
 - b. A total operational budget of \$39,334 per annum or \$190,443 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
 - c. A capital budget of \$30,413 for building works comprising of a kitchen replacement and external painting which is required in the 23/24 FY and beyond. This equates to an annual average expense of \$6,083 per annum.

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

AGAINST: Nil

CARRIED

CL22.277 Occupation of Part Lot A DP 343373, 173 Jacobs Drive, Sussex Inlet.

HPERM Ref: D22/173374

RESOLVED* (Clr White / Clr Ell)

MIN22.437

That Council approve;

1. The leases for part Lot A DP343373, 173 Jacobs Drive Sussex Inlet for a period of five years commencing 1 August 2022 and authorise the Chief Executive Officer to execute relevant documentation for the following leases;
 - a. Sussex Inlet Cinema Australia P/L (Commercial lease)
Cinema area
Determined Rental \$7,379 per annum
Determined Rent Review commencement of Year 3
Fixed 3.5% increases

- b. Sussex Inlet Pottery Group Inc (Community lease)
Rear tenancy in the same cinema building
Subsidised Rental \$492 per annum
Fixed 3% increases
2. The estimated cost to Council of this arrangement over five years is \$159,411 (today's dollars), the key components being
 - a. Rental income of \$39,360 over the lease term. Note \$7,872 per annum.
 - b. A total operational budget of \$143,471 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond. This equates to an average of \$28,694 per annum.
 - c. A capital budget of \$55,300 for building works comprising of a replacement kitchen, external painting and replacement flooring which is required in the 24/25 FY and beyond. This equates to an annual average expense of \$11,060 per annum.

CARRIED

CL22.278 Transport for NSW Acquisition - Jervis Bay Road Intersection

**HPERM Ref:
D22/69271**

Recommendation

That Council:

1. Authorise the acquisition by agreement with TfNSW for Lots 35, 36 & 37 DP1088614, Lot 38 DP24409, Lot 1 DP15507 and Lot 1 DP578303 as shown in Attachment 1 (D22/67913) for compensation of \$725,000 plus GST if applicable, (seven hundred and twenty-five thousand dollars) in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
2. Authorise all proceeds of the acquisition to be allocated to the Property Reserve with \$700,000 being allocated the Property Reserve – General and \$25,000 being allocated to the Property Reserve – Roads.
3. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation as required.

RESOLVED (Clr Christen / Clr Gray)

MIN22.438

That this matter be deferred to a Clr Briefing to allow the RMS (Transport for NSW) to brief council, with Council stating their intentions for the land.

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

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

CARRIED

CL22.279 Classification of Land - Lot 319 DP 1265359 Somerset Avenue, South Nowra

**HPERM Ref:
D22/183531**

RESOLVED* (Clr White / Clr Ell)

MIN22.439

That Council classify the land described as Lot 319 DP 1265359 Somerset Avenue, South Nowra, as Operational Land within the meaning of the Local Government Act 1993.

CARRIED

CL22.280 Exemption to Tendering - Basin Boardwalk Urgent Repairs

HPERM Ref: D22/242087

RESOLVED* (Clr White / Clr Ell)

MIN22.440

That Council

1. Approves an exemption from tender in accordance with Section 55(3)(i) of the Local Government Act 1993, for the repair of the Basin Boardwalk, noting that a satisfactory result would not be achieved by inviting tenders due to:
 - a. Extenuating circumstances existing due to:
 - i. The current unsafe state of the boardwalk requires urgent repairs due to damage experienced from the Feb-March 2022 extreme weather event as to alleviate Council of liability and negligence should injury occur.
 - ii. The repairs are funded through an insurance claim made to the value which the preferred contractor has provided to complete the works.
 - iii. The repairs will directly interface with works the preferred contractor has completed which are currently under a defects liability period
2. Authorises the CEO (Director of City Services) to negotiate and enter into a new contract with GC Civil Contracting Pty Ltd for the repair of the Basin Boardwalk.

CARRIED

CL22.281 Exemption to Tendering - Property Management and Booking System - Holiday Haven

HPERM Ref: D22/242952

RESOLVED* (Clr White / Clr Ell)

MIN22.441

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

CARRIED

CL22.282 DA20/1762 - 127 Princes Highway, Ulladulla - Lot 6, DP 535004 - Mixed Use Development

HPERM REF: D22/222686

Item dealt with earlier in the meeting see MIN22.413

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

CL22.283 RA22/1002 – 44-52 Coomea Street, Bomaderry – Lot 19-23 Sec 25 DP 2886

HPERM Ref: D22/224941

RESOLVED* (Clr Christen / Clr Findley)

MIN22.442

That:

1. Council receive and note the report RA22/1002 - 44-52 Coomea St BOMADERRY - Lot 19-23 Sec 25 DP 2886
2. Council support RA22/1002 for an affordable housing development at 44-52 Coomea St, Bomaderry on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979* and will provide additional and much needed affordable housing supply for the local community.

3. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of DA22/1002.

CARRIED

CL22.284 RD21/1001 - 260 Mount Hay Rd (Priv) Broughton Vale - Lot 2 DP 4498

HPERM REF: D22/218702

Item dealt with earlier in the meeting see MIN22.414

CL22.285 Access Agreement – Gas Pipeline – Shoalhaven Starches Bomaderry

HPERM REF: D22/258095

Item dealt with earlier in the meeting see MIN22.415

CL22.286 Open Space Master Planning - Prioritising the Way Forward

HPERM Ref: D22/211194

Recommendation

That Council;

1. Adopt the following priority list of Master Plans for Council owned or managed land for upcoming budget expenditure:
 - a. Parramatta Park, Nowra
 - b. Rannoch Reserve, West Nowra
 - c. Crest Park, North Nowra
 - d. Edwards Avenue Reserve, Bomaderry
 - e. Depot Farm, West Nowra
 - f. Greenwell Point Foreshore Reserve
 - g. Francis Ryan Reserve, Sanctuary Point
 - h. Culburra Beach Community Centre
 - i. Wool Lane Sporting Complex, Sanctuary Point
2. Receive a future workshop and report at the completion of the above Master Plans, to re-prioritise other additional Master Plans that remain outstanding

RESOLVED (Clr Ell / Clr Gray)

MIN22.443

That Council:

1. Adopt the following priority list of Master Plans for Council owned or managed land for upcoming budget expenditure:
 - a. Parramatta Park, Nowra
 - b. Rannoch Reserve, West Nowra
 - c. Crest Park, North Nowra
 - d. Edwards Avenue Reserve, Bomaderry
 - e. Depot Farm, West Nowra

- f. Greenwell Point Foreshore Reserve
 - g. Francis Ryan Reserve, Sanctuary Point
 - h. Culburra Beach Community Centre
 - i. Wool Lane Sporting Complex, Sanctuary Point
2. Receive a future workshop and report at the completion of the above Master Plans, to re-prioritise other additional Master Plans that remain outstanding
- FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray
- AGAINST: Nil
- CARRIED

**CL22.287 Crown Land Plans of Management - Outstanding
Showgrounds - Progress to Public Exhibition**

**HPERM Ref:
D22/189809**

Recommendation

That Council:

1. Proceed to Public Exhibition of the following Plans of Management, upon receipt of Department of Planning and Environment consent:
 - a. Kangaroo Valley Showground draft Plan of Management
 - b. Berry Showground draft Plan of Management
 - c. Milton Showground draft Plan of Management
2. Undertake Public Exhibition of the draft Plans of Management in accordance with the Crown Land Management Act 2016 and Local Government Act 1993 for a minimum period of 28 days, and
 - a. If no significant adverse feedback is received as part of the public exhibition, the draft Plans of Management be finalised and deemed adopted pursuant to section 38 of The Local Government Act 1993 and in accordance with 3.23(6) of the Crown Land Management Act 2016; or
 - b. If significant adverse feedback is received as part of the public exhibition of the draft Plans of Management, Council to receive a report of the outcomes of the public exhibition period prior to adoption.
3. Upon adoption of the draft Plans of Management, forward a copy of the adopted Plan of Management to the Department of Planning and Environment for record purposes.
4. Rescind the following Plans of Management upon adoption of the new Plans of Management in Item 2 of this resolution:
 - a. Kangaroo Valley Showground Plan of Management (D13/164176)
 - b. Berry Showground Plan of Management (D11/116100)
 - c. Milton Showground Plan of Management (D11/116086)

RESOLVED (Clr White / Clr Gray)

MIN22.444

That Council:

1. Proceed to Public Exhibition of the following Plans of Management, upon receipt of Department of Planning and Environment consent:

- a. Kangaroo Valley Showground draft Plan of Management
- b. Berry Showground draft Plan of Management
- c. Milton Showground draft Plan of Management
2. Undertake Public Exhibition of the draft Plans of Management in accordance with the Crown Land Management Act 2016 and Local Government Act 1993 for a minimum period of 42 days, and
 - a. If no significant adverse feedback is received as part of the public exhibition, the draft Plans of Management be finalised and deemed adopted pursuant to section 38 of The Local Government Act 1993 and in accordance with 3.23(6) of the Crown Land Management Act 2016; or
 - b. If significant adverse feedback is received as part of the public exhibition of the draft Plans of Management, Council to receive a report of the outcomes of the public exhibition period prior to adoption.
3. Upon adoption of the draft Plans of Management, forward a copy of the adopted Plan of Management to the Department of Planning and Environment for record purposes.
4. Rescind the following Plans of Management upon adoption of the new Plans of Management in Item 2 of this resolution:
 - a. Kangaroo Valley Showground Plan of Management (D13/164176)
 - b. Berry Showground Plan of Management (D11/116100)
 - c. Milton Showground Plan of Management (D11/116086)

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

AGAINST: Nil

CARRIED

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

CL22.288 Acceptance of Grant Funding - Create NSW Project Grant - Plant your Feet exhibition

HPERM Ref: D22/233408

RESOLVED* (Clr White / Clr Norris)

MIN22.445

That Council:

1. Accepts the grant funding of \$58,000 (excl GST) from the Local Government Authority Arts and Cultural Program for the purposes of delivering a major exhibition over December / January 2022/23
2. Writes to Create NSW and The Hon. Benjamin Franklin, MLC, Minister for the Arts to thank them for the grant.

CARRIED

CL22.289 Disability Inclusion Action Plan 2022/26 - Public Exhibition Outcomes

**HPERM Ref:
D22/242900**

Recommendation

That Council:

1. Receive feedback provided by the community on the Draft Disability Inclusion Action Plan for information
2. Endorse the Disability Inclusion Action Plan 2022-2026 and supporting Implementation Plan with recommended amendments
3. Publish a copy of the endorsed Disability Inclusion Action Plan on Council's website
4. Lodge a copy of the Plan to the NSW Disability Council prior to June 30, 2022
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 Christen / Clr White)

MIN22.446

That Council:

1. Receive feedback provided by the community on the Draft Disability Inclusion Action Plan (DIAP) for information
2. Endorse the Disability Inclusion Action Plan 2022-2026 and supporting Implementation Plan with recommended amendments
3. Publish a copy of the endorsed Disability Inclusion Action Plan on Council's website
4. Lodge a copy of the Plan to the NSW Disability Council prior to June 30, 2022
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.
6. Identify the designated staff contact for the DIAP in the Plan.

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

AGAINST: Nil

CARRIED

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

CL22.290 Oz Water Conference 2022

**HPERM Ref:
D22/253852**

RESOLVED* (Clr Wells / Clr White)

MIN22.447

That Council receive the report from Clr John Wells and Clr Mark Kitchener on the Oz Water Conference for information.

CARRIED

CL22.291 Waste Conference 2022**HPERM Ref:
D22/237053****Recommendation**

That Council.

1. Receive this report for information.
2. Provide the presentation to the full Council Meeting from Peter Windley that was presented at the Waste Conference 2022 Coffs Harbour.
3. Congratulate all Shoalhaven Waste Staff on their work performance on behalf of the city and the incredible work on technology and innovation projects that are leading the Waste industry in Australia

RESOLVED (Clr White / Clr Christen)

MIN22.448

That Council.

1. Receive this report for information.
2. Provide the presentation to the full Council Meeting from Peter Windley that was presented at the Waste Conference 2022 Coffs Harbour.
3. Congratulate all Shoalhaven Waste Staff on their work performance on behalf of the city and the incredible work on technology and innovation projects that are leading the Waste industry in Australia

CARRIED

CL22.292 Waste Conference 2022**HPERM Ref:
D22/237014****Recommendation**

That Council further promote and support Waste Management strategies being implemented throughout the Shoalhaven as follows.

Promotion:

1. Make approaches to the TV media (as a minimum ABC TV and WIN TV) with a proposal to put together news or editorial screenings on Waste Management in the Shoalhaven.
2. Build a static display of the recycling operations at the West Nowra Landfill site to further educate the public on creating a sustainable Circular Economy. (billboard at the weighbridge)

Support:

3. Invite representatives from Federal, State and interested Local Governments Areas and representative stakeholders from relevant companies, for a guided tour of the West Nowra Facility and a following discussion about future collaboration.
4. Further utilise end products from West Nowra Recycling and Waste Facility in appropriate industries. E.g., Recycled glass sand for asphalt, pipe bedding and concrete and other civil constructions
5. Include an individual interview with management of the West Nowra Recycling and Waste Facility in the induction program for new councillors.

RESOLVED (Clr White / Clr Kotlash)

MIN22.449

That Council further promote and support Waste Management strategies being implemented throughout the Shoalhaven as follows:

Promotion:

1. Make approaches to the TV media (as a minimum ABC TV and WIN TV) with a proposal to put together news or editorial screenings on Waste Management in the Shoalhaven.
2. Build a static display of the recycling operations at the West Nowra Landfill site to further educate the public on creating a sustainable Circular Economy. (billboard at the weighbridge)

Support:

1. Invite representatives from Federal, State and interested Local Governments Areas and representative stakeholders from relevant companies, for a guided tour of the West Nowra Facility and a following discussion about future collaboration.
2. Further utilise end products from West Nowra Recycling and Waste Facility in appropriate industries. E.g., Recycled glass sand for asphalt, pipe bedding and concrete and other civil constructions
3. Include an individual interview with management of the West Nowra Recycling and Waste Facility in the induction program for new councillors.

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL22.293 Rescission Motion - CL22.252 - DA16/1465 - 173
Kinghorne St and 2 & 4 Albatross Rd - Nowra - Lot 1, 29
& 30 DP 25114**

**HPERM Ref:
D22/237254**

Recommendation

That Council rescind the Motion relating to Item CL22.252 - DA16/1465 – 173 Kinghorne St & 2 & 4 Albatross Rd - Nowra - Lot 1, 29 & 30 DP 25114 of the Council Meeting held Monday 6 June 2022.

MOTION LOST (Clr Watson / Clr Wells)

MIN22.450

That Council rescind the Motion relating to Item CL22.252 - DA16/1465 – 173 Kinghorne St & 2 & 4 Albatross Rd - Nowra - Lot 1, 29 & 30 DP 25114 of the Council Meeting held Monday 6 June 2022.

FOR: Clr Ell, Clr Wells, Clr Watson and Clr Kitchener

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

LOST

Note: Clr Kitchener left the meeting at 10.10pm

CL22.294 Notice of Motion - Living on the Coast Documentaries Sponsorship

**HPERM Ref:
D22/251385**

Recommendation

That:

1. Council support the Living on the Coast Documentaries with sponsorship of \$20,000 for 3 new episodes in season 2 of the series to be produced and aired in 2022/23. Funding to be provided from unallocated donations 2021/22.
2. In accordance with Section 356(2) of the Local Government Act, the proposed funding be advertised for a period of 28 days. Should Council receive any submissions objecting to the funding, a further report is to be provided to the Council outlining those submissions before payment is made.
3. Terms and conditions of the sponsorship to be determined by the CEO or his nominee.

RESOLVED (Clr White / Clr Findley)

MIN22.451

That:

1. The option of sponsorship or financial support for the documentaries by Council be referred to Media, Arts, Tourism and other relevant staff for further investigation, including whether there is potential for the documentaries to be sold.
2. Councillors be informed of the investigation findings via a Councillor Briefing, with Mr Pignataro (Essential Films) and Mr Baptist being invited to make a presentation to the Briefing
3. The proposed \$20,000 be rolled over from 2021/2022 Unallocated Donations Budget.

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

AGAINST: Nil

CARRIED

Procedural Motion – Further Extension of Meeting

RESOLVED (Clr Butler / Clr Copley)

MIN22.452

That the ordinary Meeting be further extended to allow for the consideration of the balance of the Items.

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

AGAINST: Nil

CARRIED

CL22.295 Notice of Motion - NSW Land Tax on Residential Properties

**HPERM Ref:
D22/253063**

Recommendation

That Council make strenuous representations to all Members of the NSW Parliament opposing the proposed imposition of Land Tax on residential and rural properties.

RESOLVED (Clr Watson / Clr Norris)

MIN22.453

That Council make strenuous representations to all Members of the NSW Parliament opposing the proposed imposition of Land Tax on residential and rural properties.

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

AGAINST: Clr Ell

CARRIED

CONFIDENTIAL REPORTS

Pursuant to Section 10A(4) the public were invited to make representation to the meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No members of the public made representations.

RESOLVED (Clr Ell / Clr Gray)

MIN22.454

That the press and public be excluded from the Meeting, pursuant to section 10A(1)(a) of the Local Government Act, 1993, to consider the following items of a confidential nature.

CCL22.20 Exemption to Tendering - Property Management and Booking System - Holiday Haven

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 10.27pm.

The meeting moved into open session, the time being 10.28pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL22.20 Exemption to Tendering - Property Management and Booking System - Holiday Haven

**HPERM Ref:
D22/238112**

RESOLVED

MIN22.455C

That Council:

1. Approve an exemption from tender in accordance with Section 55(3)(i) of the Local Government Act 1993, for the provision of tourist park management and booking software, noting that a satisfactory result would not be achieved by inviting tenders due to the following reasons:
 - a. NewBook is recognised as the industry leading platform for holiday parks across Australia and has provided Holiday Haven with current, innovative functionality and exceptional standards of maintenance and support.
 - b. The main competitor to NewBook, RMS Cloud, is the software platform that Holiday Haven transitioned from in 2014 as it did not meet their functionality, business continuity and support requirements.
 - c. Holiday Haven has resourced enhancements to the NewBook software functionality that are tailored to this platform.
 - d. A market analysis of the tourist park industry in New South Wales has identified that NewBook is the core preferred software platform for both Council and privately managed tourist park facilities.
2. Authorise the CEO (Director of City Services) to negotiate and enter into a new contract with NewBook Pty Ltd for the provision of tourist park management and booking software.

CARRIED

There being no further business, the meeting concluded, the time being 10.30pm.

Clr Findley
CHAIRPERSON