Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Council Administration Centre  
Shellharbour City Centre  
on Tuesday 06 February 2018 commencing at 6.30 pm

Present

Mayor, Councillor  M Saliba  
Deputy Mayor, Councillor  K Marsh  
Councillor  N Cattell  
Councillor  M Hamilton  
Councillor  J Murray  
Councillor  P Moran  
Councillor  R Petreski

In attendance

General Manager  C McIntyre  
Director Council Sustainability  M Youell  
Director Community and Customers  M Boxall  
Director Amenity and Assets  B Stewart  
Executive Manager / Public Officer  F Lepouras  
Chief Financial Officer  G Grantham  
Group Manager City Planning  G Hoynes  
Group Manager Business Technology & Customer Services  M Chiodo  
Group Manager Organisational Performance  E Woods  
Group Manager Design  M Boenisch  
Group Manager Services  R Crowhurst  
Manager Property and Recreation  D Flanagan  
Manager Business and Investment  M Henning  
Manager The Links  R Stephenson  
Media Officer  K Wells  
I.T. Support Officer  M Felix  
Information Technology Manager  M Baez  
Desktop Support Administrator  M Zengin  
Subdivision and Development Engineer  S Salam  
Team Leader Water Engineer  A De Clouett  
Councillor Support Officer (Minute Taker)  J Frasca
1. **Acknowledgement to Country**

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting and pays its respects to Elders past and present.

**Webcasting and Emergency Plan Statement**

The Mayor read the usual advice regarding the webcasting of the meetings of the Council and the emergency plan for Council Meetings.

2. **Apologies**

   **Ordinary Council Meeting**
   
   Nil.

   **Committee of the Whole Council Meeting**
   
   Nil

3. **Leave of Absence**

4. **Confirmation of Minutes**

4.1 **Ordinary Meeting 12 December 2017**

   1. RESOLVED: Murray/Petreski
   
   That the Minutes of the Ordinary Council Meeting held on 12 December 2017 as circulated be taken as read and confirmed as a correct record of proceedings.
   
   CARRIED UNANIMOUSLY

4.2 **Committee of the Whole 12 December 2017**

   2. RESOLVED: Hamilton/Petreski
   
   That the Minutes of the Committee of the Whole Council Meeting (Confidential Session) held on 12 December 2017 as circulated be taken as read and confirmed as a correct record of proceedings.
   
   CARRIED UNANIMOUSLY
5. Declarations of Interest

Nil.

6. Confidential Business (Committee of the Whole in Closed Session)

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

Set out below is Section 10A(2) of the Local Government Act 1993, in relation to Confidential Business:

10A(2) Which parts of a meeting can be closed to the public? The matters and information are the following:

(a) personnel matters concerning particular individuals,
(b) the personal hardship of any resident or ratepayer,
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
(d) commercial information of a confidential nature that would, if disclosed:
   (i) prejudice the commercial position of the person who supplied it, or
   (ii) confer a commercial advantage on a competitor of the council, or
   (iii) reveal a trade secret,
(e) information that would, if disclosed, prejudice the maintenance of law,
(f) matters affecting the security of the council, councillors, council staff or council property,
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege,
(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
(i) alleged contraventions of any code of conduct requirements applicable under section 440.

CONFIDENTIAL ITEMS

6.1 The Links Shell Cove Business Plan 2018 2022 (10975090)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:
(d) commercial information of a confidential nature that would if disclosed:
   (ii) confer a commercial advantage on a competitor of the council

The detailed financial and strategic information provided in the report is of commercial confidence to The Links Shell Cove business that may be prejudice for other competing businesses in the industry if disclosed to the public.

7. **Condolences**

The Mayor acknowledged the passing of Agnes Donovan who was a former member of Council's Aboriginal Advisory Committee for over 10 years.

The Council acknowledged the following deaths in the Local Government area.

- Mr Anthony Beattie of Albion Park
- Mrs Freda Dare of Albion Park
- Mrs Nancy Forscutt of Albion Park
- Mrs Mary Harris of Albion Park
- Mrs Frances Howatson of Albion Park
- Mrs Bridget O'Gorman of Albion Park
- Mrs Joan Bosward of Albion Park
- Mrs Betty Hunt of Albion Park
- Mr David Sainsbury of Albion Park
- Mr Lewis John Vernon of Albion Park
- Mr Gordon Jackson formerly of Albion Park
- Mrs Maisie Jean Hutchison of Albion Park Rail
- Mrs Irene Tskilos of Albion Park Rail
- Mr Len Goldsmith of Albion Park Rail
- Mrs Helen Rosaline Fisher of Barrack Heights
- Mrs Sheila May Keen of Barrack Heights
- Mr Renata Taka Kopa of Barrack Heights
- Mr John Leslie Tafao of Barrack Heights
- Ms Madeline McDevitt of Barrack Heights
- Mr David Ryder of Barrack Heights
- Ms Menka Cvetanoska of Flinders
- Mrs Anita Josephine Munro of Flinders
- Mr Franco Sanese of Lake Illawarra
<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms Jose Lopez</td>
<td>Lake Illawarra</td>
</tr>
<tr>
<td>Mr Vincenzo Mete</td>
<td>Lake Illawarra</td>
</tr>
<tr>
<td>Mr Gordon Baird</td>
<td>Mount Warrigal</td>
</tr>
<tr>
<td>Mr Ray Marsh</td>
<td>Mount Warrigal</td>
</tr>
<tr>
<td>Ms Anna Kostyszak</td>
<td>formerly Mount Warrigal</td>
</tr>
<tr>
<td>Mrs Judith Kuit</td>
<td>formerly Oak Flats</td>
</tr>
<tr>
<td>Ms Joan Blake</td>
<td>Shellharbour</td>
</tr>
<tr>
<td>Mrs Bozana Tuftevski</td>
<td>Shellharbour</td>
</tr>
<tr>
<td>Mr James Valerio</td>
<td>Shellharbour</td>
</tr>
<tr>
<td>Mr Ray Condon</td>
<td>Shellharbour</td>
</tr>
<tr>
<td>Mr Raymond John Lamb</td>
<td>Shellharbour</td>
</tr>
<tr>
<td>Mrs Maria De Cresci</td>
<td>Warilla</td>
</tr>
<tr>
<td>Mrs Rosa Gomez</td>
<td>Warilla</td>
</tr>
<tr>
<td>Mr Constantine Kandarakis</td>
<td>Warilla</td>
</tr>
<tr>
<td>Mr Gordon McKechnie</td>
<td>Warilla</td>
</tr>
<tr>
<td>Mr Alan Williams</td>
<td>Warilla</td>
</tr>
<tr>
<td>Mr John William Tyrrell</td>
<td>Warilla</td>
</tr>
<tr>
<td>Mrs Eileen Elvie Silvestri</td>
<td>Warilla</td>
</tr>
<tr>
<td>Mr Graham Kirk</td>
<td>Warilla</td>
</tr>
<tr>
<td>Mrs Gwenneth Stanton</td>
<td>Warilla</td>
</tr>
<tr>
<td>Mr Colin Bailey</td>
<td>Warilla</td>
</tr>
<tr>
<td>Mr Eric Thomas Laycock</td>
<td>Warilla</td>
</tr>
</tbody>
</table>

3. A Motion of condolence was passed by all present standing for one minute’s silence.

8. **Mayoral Statements / Reports / Presentations**

The Mayor attended the following events since the last Council Meeting:

- **13/12/17** Albion Park Rail Public School Year 6 Graduation Ceremony
- **14/12/17** Cheque handover for donations working party
- **19/12/17** Official Opening of Preston Place - Community Life and Leisure (Greenacres)
20/1/18  Filipino Senior Sto Nino Festival at Shellharbour City Catholic Church
22/1/18  Australia Day Dinner
26/1/18  Australia Day Citizenship Ceremony and celebrations
31/1/18  Farewell for Bishop Peter Ingham
3/2/18   Summer Reading Program Awards Ceremony
6/2/18   CivicRisk Mutual Executive Committee Meeting

9.    Mayoral Minutes

9.1   Expression of Interest to host the Rural 2020 Australian Local
       Government Women’s Association (ALGWA) NSW Annual Conference

4    RESOLVED: Mayor Saliba

       That Council submit an expression of interest to host the Rural 2020 ALGWA
       NSW Annual Conference.

       CARRIED UNANIMOUSLY

10.  Councillors’ Statements / Reports

Councillor Marsh congratulated this year’s Citizen of the Year Dave Williamson and
Young Citizen Kiki Cuda. She also congratulated Don Briggs on being awarded the
Order of Australia Medal.

Councillor Marsh acknowledged the Oak Flats and Albion Park Rural Fire Service
volunteers for their work on the Santa run and food collection.

The Mayor acknowledged the generosity of the Albion Park community for their
contributions towards the Santa Run.

11.  Reports

11.1  General Manager

11.1.1 Formalising the Establishment of a Joint Organisation (JO) (10986211)

5    RESOLVED: Murray/Hamilton

       That in accordance with Part 7 of Chapter 12 of the Local Government Act
       1993 (Act), Shellharbour City Council (Council) resolves:
1. That the council inform the Minister for Local Government (Minister) of the Council’s endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (Joint Organisation) in accordance with this resolution.

2. To approve the inclusion of the Council’s area in the Joint Organisation’s area.

3. That the Joint Organisation be established to cover the Council’s area and each of the following council areas:
   a) Kiama Municipal Council
   b) Shoalhaven City Council
   c) Wollongong City Council

4. That, on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:
   a) with a copy of this resolution including the date on which Council made this resolution, and
   b) inform the Minister that this resolution has not been rescinded, for the purpose of the Minister issuing a certificate under section 400P of the Act.

CARRIED UNANIMOUSLY

11.2 Council Sustainability Directorate

11.2.1 Tender ISJO 05/2017 - Pavement (Line) Marking Services (10991674)

6 RESOLVED: Murray/Petreski

1. That Council accept the tenders of Wollongong Linemarking Services Pty Ltd, Complete Linemarking Services Pty Ltd and Oz Linemarking (NSW) Pty Ltd to appoint them to the ISJO Pavement Marking Panel.

2. That the General Manager or his nominated delegate be authorised to finalise and execute the deeds and any other documentation required to give effect to this resolution.

CARRIED UNANIMOUSLY

The Mayor addressed the gallery and apologised for not previously acknowledging the presence in the gallery of former Mayor Bob Harrison and his wife Ann Harrison (former Alderman), former Mayor Joan Vinton and former Councillor Paul Rankin.
11.2.2 North Macquarie Road, Calderwood - Proposed Formal Road Closure of sections of Public Road (10995378)

RESOLVED: Murray/Cattell

That:

1. Council approve to commence the process to formally close the section of public road being North Macquarie Road (as per Stage 2C of the Calderwood Development), as legislated under the Roads Act 1993.

2. Council advertise for public exhibition for twenty-eight (28) days as per s35 of the Roads Act 1993 (the Act).

3. Provided no relevant submissions are received, Council forward an application to the NSW Department of Primary Industries – Crown Lands and Water Division for the road closure of part of North Macquarie Road, Calderwood Valley (as per Stage 2C of the Calderwood Development).

4. If any relevant submissions are received as a result of public exhibition, a report be submitted to Council for consideration detailing the public exhibition outcomes and further recommendations.

5. Upon approval from the NSW Department of Primary Industries – Crown Lands and Water Division, of the closure of parts of North Macquarie Road, that Council classify the land as Operational land.

6. Council approve the section of Public Road being parts of North Macquarie Road, once closed and classified as Operational Land, be offered for disposal to Lendlease for the contract value as noted within the confidential memo to all Councillors.

7. Council approve the Mayor and General Manager, or his nominated delegate, to be authorised to sign any documentation associated with the application for the closure and the disposal of part of North Macquarie Road, Calderwood Valley (as per Stage 2C of the Calderwood Development) under Council Seal.

8. Council approve the proceeds from the sale of the land to be allocated to the Tripoli Way Extension, Albion Park By-Pass Project.

CARRIED: 5/2

FOR VOTE - Cr Cattell, Cr Hamilton, Cr Murray, Cr Petreski, Cr Saliba
AGAINST VOTE - Cr Marsh, Cr Moran
11.2.3 Monthly Investment Report November and December 2017 (10998684)

8 RESOLVED: Marsh/Murray

That Council receive and note the attached Investment Portfolio report as at 30 November 2017 and 31 December 2017.

CARRIED UNANIMOUSLY

11.3 Community and Customers Directorate

11.3.1 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 0003/2016 - Lot 2, DP 1144885, 1 Piper Road, Dunmore - Shellharbour Anglican College Site - Deferred Land (10994585)

9 RESOLVED: Murray/Marsh

That Council:

1. Adopt the following amendments (Amendment 21) to Shellharbour Local Environmental Plan 2013 for the purpose of making the Local Environmental Plan under section 59(2) of the Environmental Planning & Assessment Act 1979:

   a. Amend Shellharbour LEP 2013 Land Zoning Map in accordance with Attachment 4

   b. Amend Shellharbour LEP 2013 Floor Space Ratio Map in accordance with Attachment 5

   c. Amend Shellharbour LEP 2013 Land Application Map in accordance with Attachment 6

2. Delegate the General Manager authority to:

   a. Sign the Map Cover Sheet, and
   b. Sign the written Local Environmental Plan.

3. Send the Planning Proposal to the regional office of the NSW Department of Planning & Environment in accordance with section 59(2) of the Environmental Planning & Assessment Act 1979 to place the amending Local Environmental Plan on the NSW Legislation website.

CARRIED UNANIMOUSLY
11.4 Amenity and Assets Directorate

11.4.1 NSW 2017-18 Floodplain Management Program - Macquarie Rivulet Floodplain Risk Management Study and Plan - Grant Offer (10990283)

10 RESOLVED: Marsh/Murray

That Council:

1. Accept the NSW Government’s funding offer of up to $160,000 towards the Council’s Floodplain Risk Management Program, to undertake the Macquarie Rivulet Floodplain Risk Management Study and Plan.

2. Consider the allocation of $39,000 funding for the 2018/19 financial year, $34,000 for 2019/2020 financial year and $7,000 for 2020/2021 financial year as matching contributions to the grant, via the annual budget process and through adoption of the 3-Year Delivery Program.

CARRIED UNANIMOUSLY

11.4.2 Tree Management Policy (10995542)

11 RESOLVED: Moran/Marsh

That this report be noted.

CARRIED UNANIMOUSLY

12. Committee Recommendations

12.1 Recommendations from the Aboriginal Advisory Committee Meeting held 5 December 2017 recommended for adoption.

12 RESOLVED: Cattell/Moran

That the Recommendations from the Aboriginal Advisory Committee Meeting held 5 December 2018 be adopted.

CARRIED UNANIMOUSLY

12.2 Recommendations from the Australia Day Committee Meeting held 10 January 2018 recommended for adoption.

13 RESOLVED: Petreski/Hamilton
That the Recommendations from the Australia Day Committee Meeting held 10 January 2018 be adopted.

CARRIED UNANIMOUSLY

12.3 Recommendations from the Committee of the Whole (Confidential) Australia Day Committee Meeting held 10 January 2018 recommended for adoption.

RESOLVED: Petreski/Moran

That the Recommendations from the Committee of the Whole (Confidential) Australia Day Committee Meeting held 10 January 2018 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information
Nil

14. Notices of Rescission/Alteration Motions
Nil

15. Notices of Motion
15.1 Notice of Motion submitted by Cr Kellie Marsh: Ocean Pools

MOTION: Marsh/Moran

That Council officers investigate and prepare a report on a viable location to build a new ocean pool.

Councillor Murray proposed the following addition to the Motion, which was accepted by the Mover and Seconder:

That Council officers investigate and prepare a report on a viable location to build a new ocean pool and this report be referred to the Aquatics Working Party.

RESOLVED: Marsh/Moran

That Council officers investigate and prepare a report on a viable location to build a new ocean pool and this report be referred to the Aquatics Working Party.
CARRIED UNANIMOUSLY

Following the Mayor’s address, Councillor Marsh provided a personal explanation in relation to the Mayor’s comments and stated that she presumed that the report would be referred to the Aquatics Working Party.

15.2 Notice of Motion submitted by Cr Kellie Marsh: Albion Oval, Albion Park Rail (10997559)

16 RESOLVED: Marsh/Moran

In light of the removal and non-replacement of Cricket nets from Albion Oval, Albion Park Rail, in order to accommodate the skate facilities there, that Council staff prepare a report on the potential installation of Cricket nets at Albion Oval, Albion Park Rail, which includes information on the recommended location and capital cost of the nets should they be constructed, the on-going maintenance costs of any nets and which recommends whether such nets should be constructed.

CARRIED UNANIMOUSLY

16. Questions on Notice (must be submitted in writing)

Nil.

17. Urgent Business

Nil.

18. Committee of the Whole in Closed Session (Closed to the Public): Adjournment

The Mayor asked whether anyone in the public gallery wish to speak on the reasons why Item 6.1 The Links Shell Cove Business Plan 2018-2022 should not be held in Confidential Session (Closed to the Public). No members of the public expressed an interest in addressing Council.

17 RESOLVED: Murray/Petreski

1. That Council resolve into Committee of the Whole (in Confidential Session) to consider the above business as listed, together with any late reports tabled at the meeting.
2. That pursuant to Section 10A(1-3) of the Local Government Act 1993, the press and public be excluded from the proceedings on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2)(d) of the Act as outlined above.

3. That the correspondence and reports relevant to the subject business be withheld from access to the press and public in accordance with Section 11(2) of the Local Government Act 1993.

CARRIED UNANIMOUSLY

Meeting adjourned at 7.16pm

Meeting resumed at 7.35pm

19. Committee of the Whole in Closed Session: Consideration of Adoption of Decisions Reached in Closed Session

The following Recommendations to Council from the Committee of the Whole Council (confidential) were read to the Meeting by the General Manager.

The Links Shell Cove Business Plan 2018 – 2022 (10975090)

COMMITTEE RECOMMENDATION:

That Council:

2. That Council endorse option 2 in the report.

18 RESOLVED: Murray/Petreski

That the Recommendations to Council from the Committee of the Whole Meeting held earlier today be adopted.

CARRIED: 6/1

FOR VOTE - Cr Cattell, Cr Hamilton, Cr Marsh, Cr Murray, Cr Petreski, Cr Saliba
AGAINST VOTE - Cr Moran
20. Consideration of Motions to Declassify Reports Considered in Closed Session

Nil

Meeting closed 7.42 pm