Minutes of the Ordinary Meeting
of Shellharbour City Council
held remotely via Zoom livestream webcast
on Tuesday 9 June 2020 commencing at 6:30 pm

Present

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

In attendance

General Manager                        C McIntyre
Director Council Sustainability        S Bridgement
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 Organisational Performance E Woods
Group Manager Asset Strategy           W Peterson
Group Manager City Planning            G Hoynes
Manager Business and Investment        T James
Manager Shell Cove                     K James
Manager Financial Services             P Henderson
Senior Strategic Planner               I Rankine
Media Officer                          K Wells
Senior Executive Assistant (Minute Taker) L Davey
Councillor Support Officer             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, present and emerging.

**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**

Nil

3. **Leave of Absence**

Nil

4. **Confirmation of Minutes**

4.1 **Ordinary Council Meeting 19 May 2020**

86 RESOLVED: Marsh/Hamilton

That the Minutes of the Ordinary Council Meeting held on 19 May 2020 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

(Note: Refer to Item 16)

5. **Disclosures of Interest**

Nil

6. **Condolences**

The Council acknowledged the following deaths in the Local Government area -
Mrs Heather Jane Casey formerly of Albion Park
Mrs Jenifer Ann Grimwood of Albion Park
Mrs Marylin Kyngdon of Albion Park
Mr Daniel Wayne Rippon-Ruiz formerly of Albion Park
Mrs Beryl June Fitzpatrick formerly of Albion Park Rail
Ms Annette Holmes of Albion Park Rail
Mrs Carole Margaret Miller of Albion Park Rail (Warrigal Care)
Mrs Una Florence Miller of Albion Park Rail (Warrigal Care)
Mr Dimco Mitrevski of Barrack Heights
Ms Beverley Gyarmaty of Lake Illawarra
Mrs Elisabeth Maria Rorsch of Lake Illawarra
Mr Joseph Frketic of Mount Warrigal
Mr John Christopher Edwards of Oak Flats
Mr James Purdie of Oak Flats
Mrs Desa Jekic of Shellharbour Village
Mr Colin John Swan of Tullimbar

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

7. Mayoral Statements / Reports / Presentations

The Mayor outlined the events she has attended since the last Council Meeting:

20/5/20 Media interview regarding Tavern ground floor slab pour

20/5/20 Meeting with Carey McIntyre General Manager, Kidzwish General Manager Julie Gemmel and Project Manager Zack Beaven

20/5/20 Meeting with Citizens Climate Lobby Australia & Renew Illawarra

20/5/20 Amity College Webinar presentation on Leadership

21/5/20 Media interview regarding National Volunteer Week

21/5/20 CivicRisk Mutual Board of Directors Meeting
22/5/20 Instagram interview with Paul Boulwood, Corrimal Chamber of Commerce on “How Shellharbour is coping with Covid19”

22/5/20 Media interview regarding playgrounds

25/5/20 Meeting with Carey McIntyre General Manager and Wollongong Council General Manager and Lord Mayor to discuss regional tourism opportunities

26/5/20 Meeting with DFV Community Attitudes Research Steering Committee

27/5/20 Southern Regional Planning Panel Meeting

27/5/20 Interview with Kristina Puljak, UOW Journalism student regarding Covid19

28/5/20 Council Services Team Biggest Afternoon Tea fundraising for the Cancer Council where $300 was raised

29/5/20 Media interview regarding the completion of the Ninja Course at Reddall Reserve

29/5/20 Media interview regarding the re-opening of libraries

2/6/20 Healthy Cities Illawarra Board Meeting

3/6/20 Traffic Committee Meeting

3/6/20 Media interview regarding the toddler pool at Shellharbour Village

3/6/20 Opening of Willinga Road Flinders – Illawarra Housing Trust

4/6/20 Women’s Trauma Recovery Centre June Meeting

9/6/20 ALGWA National AGM and Executive Meetings

The Mayor read to the meeting an email received from Kay Morrell expressing her appreciation for the completion of the Central Park play equipment. The Mayor acknowledged the work of staff for their work on the upgrades of play equipment in the City, particularly the Ninja Course at Reddall Reserve, which opened last week.

8. **Mayoral Minutes**

   Nil

9. **Councillors' Statements / Reports**

   Nil
10. Reports

Note: The Addresses to Council Forum was held prior to the Council Meeting from 4.30pm to 5.30pm.

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<th>Agenda Item No &amp; Title</th>
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<td>10.3.1 Shellharbour Local Environmental Plan 2013 Planning Proposal No 0004/2018 Lot 17 DP 1168920 Exeter Place, Tullimbar</td>
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88 RESOLVED: Murray/Petreski

That Standing Orders be suspended in order for Item 10.3.1, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

10.3 Community and Customers Directorate

10.3.1 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 0004/2018 Lot 17 DP 1168920 Exeter Place, Tullimbar (11443409)

89 RESOLVED: Murray/Hamilton

That Council:

1. Prepare Planning Proposal No 4/2108 to amend Shellharbour Local Environmental Plan 2013 in the following manner:
   a. Amend Shellharbour LEP 2013 Land Zoning Map generally in accordance with Attachment 4
   b. Amend Shellharbour LEP 2013 Minimum Lot Size Map generally in accordance with Attachment 5
   c. Amend Shellharbour LEP 2013 Building Height Map generally in accordance with Attachment 6
   d. Amend Shellharbour LEP 2013 by introducing a Local clause and associated map that identifies a Floor Space Ratio of 0.5:1 for those
lots zoned R2 Low Density Residential and equal to or greater than 450m² generally in accordance with Attachment 7

e. Amend Shellharbour LEP 2013 by introducing a Local clause and associated map that identifies land zoned R5 Large Lot Residential and the only form of residential accommodation permitted is a dwelling house and a secondary dwelling generally in accordance with Attachment 8

f. Amend Shellharbour LEP 2013 by introducing a Local clause and associated map that permits the subdivision of the land as generally identified in Attachment 9 into a maximum of three lots and no residential accommodation is permitted

g. Amend Shellharbour LEP 2013 No Development Map generally in accordance with Attachment 10

h. Amend Shellharbour LEP 2013 Biodiversity Terrestrial Map by including a map generally in accordance with that exhibited in Draft Shellharbour LEP 2011 generally in accordance with Attachment 11

2. Advise the landowner that if they intend to enter into a Planning Agreement a formal Letter of Offer to enter into a Planning Agreement must be submitted within 30 days of Council’s resolution on this item and include the following:

   • How the Planning Agreement interacts with the Planning Proposal
   • Details of infrastructure to be included, timing of provision and concept design/estimated costs of that infrastructure
   • Details of how the Planning Agreement will interact with Council’s Contributions Plan. For example, extent of any offsets sought, cash contributions they will pay outside of the contributions plan
   • If the Planning Agreement involves works for which they will be seeking reimbursement from Council, details of what is sought (amount, timing)
   • Any restrictions they are seeking to place on negotiations

3. As part of the gateway submission to the Department of Planning, Industry and Environment seek the exhibition of the Planning Agreement with the Planning Proposal.

4. Not finalise the Planning Proposal until a satisfactory Planning Agreement is entered into or the Shellharbour Local Infrastructure Contributions Plan 2019 is amended.

5. Request a further report be submitted to Council if a formal Letter of Offer is not received within 30 days of Council’s resolution on this item, to consider amending the Shellharbour Local Infrastructure Contributions
Plan 2019 to include, amongst other things, contributions towards the upgrade of Yellow Rock Road.

6. Authorise the General Manager to submit Shellharbour Local Environmental Plan 2013 Planning Proposal No 4/2018 to the NSW Department of Planning & Environment in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979 for review and gateway determination.

7. Delegate to the General Manager authority to make minor mapping and Local Environmental Plan instrument changes to Shellharbour Local Environmental Plan 2013 Planning Proposal No 4/2018 if and as required by the NSW Department of Planning & Environment's gateway determination.

8. As part of its gateway submission apply to the Department of Planning and Environment to use its plan making related delegations including making or not making the plan under section 3.36 of the Environmental Planning and Assessment Act, after any public exhibition of the draft plan.

9. Approve Shellharbour Local Environmental Plan 2013 Planning Proposal No 4/2018 to be publicly exhibited in accordance with the gateway determination.

10. Endorse a further report be provided to Council for consideration after the public exhibition period has closed, detailing the public exhibition outcomes and with further recommendations regarding adoption.

CARRIED 5 / 1

FOR - Cr Saliba, Cr Murray, Cr Petreski, Cr Moran, Cr Hamilton
AGAINST - Cr Marsh

90 RESOLVED: Murray/Marsh

That Standing Orders be resumed.

CARRIED UNANIMOUSLY
10.1 General Manager


RESOLVED: Murray/Saliba

That Council:

1. Receive and note the Office of Local Government’s requirement to extend the 2018-2021 Delivery Program to include 2021-2022.


3. Adopt an ordinary rate, consisting of an Ad-Valorem Rate of zero point two three seven five five cents in the dollar (0.23755) and a Base Amount of seven hundred and fifteen dollars and sixty three cents ($715.63) per assessment in accordance with section 537 of the Local Government Act 1993 on all rateable land in the City of Shellharbour categorised as ‘RESIDENTIAL’, in accordance with Section 516 of the Local Government Act 1993, be now made for the period 1 July 2020 to 30 June 2021 and in accordance with section 543(1) of the Local Government Act 1993, this rate be named ‘RESIDENTIAL’.

Further that the percentage of the base amount, pursuant to Section 500 of the Local Government Act 1993 is forty-five per cent (45%) of the total amount payable by the levying of the rate.

4. Adopt an ordinary rate, consisting of an Ad-Valorem Rate of zero point two two eight four one cents in the dollar (0.22841) per assessment on all rateable land in the City of Shellharbour categorised as ‘FARMLAND’ in accordance with Section 515 of the Local Government Act 1993 be now made for the period 1 July 2020 to 30 June 2021 and in accordance with section 543(1) of the Local Government Act, this rate be named ‘FARMLAND’.

5. Adopt an ordinary rate, consisting of an Ad-Valorem Rate of zero point eight six five eight nine cents in the dollar (0.86589) per assessment on all rateable land in the City of Shellharbour used or zoned for professional/commercial trade or industrial purposes and determined to be a centre of activity and categorised as ‘BUSINESS’ in accordance with Section 518 of the Local Government Act 1993 be now made for the period 1 July 2020 to 30 June 2021 and in accordance with section 543(1) of the Local Government Act 1993, this rate be named ‘BUSINESS’.
6. Adopt a Domestic Waste Service Charge of:
   a. $570.00 per annum per 240 litre bin service (comprises fortnightly service of 240 litre garbage bin, 240 litre recycling bin and weekly collection of 240 litre Food Organics Garden Organics)
   b. $435.00 per annum per 140 litre bin service (comprises fortnightly collection of 140 litre garbage bin, 240 litre recycling bin and weekly collection of 240 litre Food Organics Garden Organics bin)
   c. $415.00 per annum per 80 litre bin service (comprises fortnightly collection of 80 litre garbage bin, 240 litre recycling bin and weekly collection of 240 litre Food Organics Garden Organics bin)
   d. $430.00 per annum per ALL 140 litre bin service (comprises fortnightly collection of 140 litre garbage bin, 140 litre recyling bin and weekly collection of 140 litre Food Organics Garden Organics bin)
   e. $705.00 per annum charge for a weekly service for special needs households
   f. $338.00 per annum off-kerbside service
   g. $338.00 per annum wheel in, wheel out service
   h. $92.00 availability fee be now made for the period 1 July 2020 to 30 June 2021 in accordance with Section 496 of the Local Government Act 1993.

7. Adopt a Business Waste Service Charge of:
   a. $615.00 per annum per fortnightly service (garbage, recycling & organic waste);
   b. $435.00 per annum per fortnightly service (garbage only)
   c. $140.00 per annum per fortnightly service (recycling only)
   d. $170.00 per annum per fortnightly service (organic waste only)
   e. $450.00 per annum per fortnightly service (garbage and recycling only)
   f. $200.00 per annum per fortnightly service (two recycling bins only) be now made for the period 1 July 2020 to 30 June 2021 in accordance with Section 501 of the Local Government Act 1993.

8. Adopt a Stormwater Management Service Charge of:
   a. $25 per residential assessment per annum
   b. $12.50 per residential strata unit per annum
   c. $25 per 350m2 (or part thereof) per business assessment per annum capped at a maximum charge of $150
   d. Business Strata Lots – pro rata per unit entitlement of business calculation per annum ($5 minimum) be now made for the period 1 July 2020 to 30 June 2021 in accordance with section 496A of the Local Government Act 1993.
9. Adopt the interest rate of zero per cent (0.00% p.a.) for the period 1 July 2020 to 31 December 2020 and an interest rate of seven per cent per annum (7.00% p.a.) for the period 1 January 2021 to 30 June 2021, accruing daily on rates and charges that remain unpaid after they become due and payable, be now set in accordance with Section 566 of the Local Government Act 1993.

10. Adopt the amount of new loan borrowing application be $14,367,140 with $14,367,140 to be borrowed if required from recognised banking institutions or government authorities. This loan will be secured by a mortgage over Council’s consolidated fund income.

11. Authorise the General Manager to make minor amendments to the adopted documents as required.

12. Acknowledge and thank community members and organisations for their participation and feedback during the process of developing the Integrated Planning and Reporting documents.

13. Delegate to the General Manager, when it is not possible to report to a Council meeting for resolution, approval to reduce or waive fees and charges for temporary periods of time where required during extraordinary circumstances including natural disasters. These approvals will not require the normal public exhibition period and will be reported to the next meeting of Council. The delegation will be reviewed by Council annually.

14. Delegate to the General Manager, when it is not possible to report to a Council meeting for resolution, discretion to set event rates according to prevailing market conditions. The General Manager to also have discretion in line with industry practice, to approve discounts and other forms of incentive marketing to advertise tickets. These approvals will not require the normal public exhibition period and will be reported to the next meeting of Council. The delegation will be reviewed by Council annually.

CARRIED UNANIMOUSLY

10.2 Council Sustainability Directorate

10.2.1 Shell Cove Progress Report to 31 May 2020 (11441828)

92 RESOLVED: Moran/Murray

That the progress report for the period from 17 February 2020 to 31 May 2020 for the Shell Cove Project be received and noted.

CARRIED UNANIMOUSLY
10.2.2 Monthly Investment Report - April 2020 (11442009)

RESOLVED: Murray/Marsh

That Council receive and note the Investment Portfolio report as at 30 April 2020.

CARRIED UNANIMOUSLY

10.2.3 Seasonal Camping Areas (11395542)

RESOLVED: Saliba/Marsh

That Council receive and note the information in this report relating to an update of actions to establish seasonal camping areas within Shellharbour City, including the engagement of an external consultant to progress the planning proposals for Ron Costello Oval, Beverley Whitfield Park and Albion Park Showground.

CARRIED UNANIMOUSLY

10.2.4 Creation of Easement for Water Supply – Lot 10 DP 1157377 – Shellharbour Airport (11433198)

RESOLVED: Murray/Petreski

That:

1. Council approve the creation of an easement encumbering Lot 10 in DP 1157377 in favour of Sydney Water for water supply.

2. The Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the creation of the easements for water supply on the title of Lot 10 in DP 1157377 Shellharbour Airport, under Council Seal.

3. The costs associated with the creation of the easement for water supply at Lot 10 in DP 1157377 Shellharbour Airport be funded through the Shellharbour Airport Redevelopment Project budget.

CARRIED UNANIMOUSLY
10.3 Community and Customers Directorate

10.3.1 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 0004/2018 Lot 17 DP 1168920 Exeter Place, Tullimbar (11443409)

This item was dealt with earlier in the agenda as it was the subject of Addresses to Council prior to the meeting (refer to Resolution No. 89).

10.3.2 Requests for Financial Assistance - Fourth Quarter Allocation 2019/2020 (11442262)

96 RESOLVED: Marsh/Murray

That:

1. Council provide financial assistance from the miscellaneous donations budget totalling $1,000 to the following groups:

| The Shepherd Centre                  | $500 |
| St Vincent de Paul Society           | $500 |
| — Shellharbour All Saints Conference |      |

2. That the remaining funds of $5,915 be carried forward to the 2020/2021 Financial Assistance budget.

CARRIED UNANIMOUSLY

10.4 Amenity and Assets Directorate

10.4.1 Public Toilet Amenities in Shell Cove (11389371)

97 RESOLVED: Murray/Petreski

That Council receive and note the report titled Public Toilet Amenities in Shell Cove.

CARRIED UNANIMOUSLY

11. Committee Recommendations

Nil
12. Items for Information

12.1 Items for Information: Responses to Questions Taken on Notice (11447532)

The Items for Information were formally NOTED.

13. Notices of Rescission/Alteration Motions

Nil

14. Notices of Motion

Nil

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

Nil

16. Urgent Business

Councillor Moran stated that at Item 4.1 Confirmation of the Minutes – Ordinary Council Meeting of 19 May 2020, he should have raised that a correction is needed on page 10 of the minutes, second last paragraph, so that it reads “Councillor Murray apologised to Councillor Moran” and understands that this is not an item of urgent business.

The Mayor confirmed that the minutes would be updated.

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

Nil

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

Nil

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

Nil
20. Consideration of Motions to Declassify Reports Considered in Closed Session

Nil

Meeting closed 7.50 pm