

**Minutes of the Ordinary Council Meeting
of Shellharbour City Council
held in the Council Chambers,
Council Administration Centre,
Shellharbour City Centre
on Tuesday 21 March 2023 commencing at 6.30pm**

Present

Mayor	C Homer
Deputy Mayor	K Marsh
Councillor	J Davey
Councillor	M Duffy-Moon
Councillor	C Gow
Councillor	J Graf
Councillor	M Hamilton
Councillor	R Petreski
Councillor	L Stefanovski

In attendance

Chief Executive Officer	M Archer
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	K Buckman
Shell Cove Executive Manager	W Peterson
Group Manager Organisational Performance	S Colefax
Group Manager Community Connections	K Baget-Juleff
Group Manager Asset Strategy	D Brilsky
Manager Business and Investment	T James
Manager The Links	R Stephenson
Property Officer	A Celima
Manager Procurement and Supply	J Roberts
Manager Shell Cove	K James
Media Officer	K Wells
Governance Manager	L Davey
Media and Communications Cadet	H Eckman
Executive Assistant–Councillor Support (Minute Taker)	J Frasca

Nicole Bertolani – Director, Deloitte

1. Acknowledgement to Country

Shellharbour City Council acknowledges the Traditional Custodians of the Dharawal Country and recognise their continued connection to the land we meet on today. We pay our respects to Elders past, present and emerging and the contribution they make to the life of this city and this region and extend our recognition to their descendants who continue to live on country.

Webcasting Statement

Council broadcasts its meeting live to enhance the accessibility of Council Meetings to the broader Shellharbour City Community. Recordings can be downloaded from Council's website for later viewing. For further information on Privacy refer to Council's website.

Council accepts no responsibility for any defamatory or offensive statements. Conduct standards of behaviour during Council meetings and Public Address forums are available on Council's website.

Should Council need to consider confidential matters during a Council Meeting, the open Council meeting will adjourn, the online webstreaming will be paused and will resume when the open meeting has resumed.

Please ensure that mobile phones and other electronic devices are turned off or are in silent mode for the duration of the meeting.

In the event of an emergency, please evacuate the building using the nearest exit and follow the instructions given by the wardens. Do not use the lifts.

Statement of Ethical Obligations

The Mayor and Councillors are reminded of their Oath/Affirmation of office made under Section 233A of the *Local Government Act 1993* and their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

2. Apologies

Nil.

3. Leave of Absence

Nil.

4. Confirmation of Minutes

4.1 Council Meeting 28 February 2023

37 RESOLVED: Cr Graf/Cr Marsh

That the Minutes of the Ordinary Council Meeting held on 28 February 2023 as circulated be taken as read and confirmed as a correct record of proceedings with the amendment to Item 10.1.1 Administration of the 2024 Local Government Election showing that Councillor Graf voted against the Motion.

CARRIED UNANIMOUSLY

5. Disclosures of Interest

Councillor Colin Gow:

Item: 10.2.3 Proposed Licence Agreement to Blue Sky Adventures Pty Ltd Part Lot 9002 DP1254656 Shell Cove and Part Lot 2 DP1240742 Albion Park Rail

Nature of Interest:

Councillor Gow declared a Non-Significant Non-Pecuniary Interest as he made a submission objecting to the proposal which pre-empted his council decision. Councillor Gow will remain in the room during discussion on the matter but absent himself from the meeting during voting.

Councillor Maree Duffy-Moon:

10.3.1 Request for Financial Assistance

Nature of Interest:

Councillor Duffy-Moon declared a Non-Significant Non-Pecuniary Interest as her husband is a non-committee member of Lions. Councillor Duffy-Moon will remain in the room and debate and vote on the matter.

Councillor Kellie Marsh:

10.3.1 Request for Financial Assistance

Nature of Interest:

Councillor Marsh declared a Non-Significant Non-Pecuniary Interest as she has a family member who plays cricket for Albion Park Rail Cricket Club. Councillor Marsh will remain in the room and debate and vote on the matter.

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6. Condolences

John Robert Alexander	formerly of	Albion Park
Robert Jude (Bob) Duggen	of	Albion Park
Mary Rose (Woolsey) Garvie	of	Albion Park
Peter Lewiston	of	Barrack Heights
Mato Matuzic	of	Barrack Heights
Franc Zabkar	of	Barrack Heights
Anton 'Tony' Franjic	of	Mount Warrigal
Shirley June Lee	formerly of	Mount Warrigal
Mara Mustra	of	Mount Warrigal
Darrall John Ellem	of	Shellharbour
Thomas "Shank" Hambly	of	Shellharbour
Karl Joseph Marton	formerly of	Warilla

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

7. Mayoral Statements / Reports / Presentations

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

3 March	• International Women's Day Luncheon
7 March	• UDIA Illawarra Luncheon
8 March	• International Women's Day Celebration
	• Southern Regional Planning Panel Meeting
11 March	• Great Illawarra Walk
	• Steel City Strings Concert
15 March	• Lifeguard recognition
17 March	• Football South Coast Season Launch 2023
18 March	• Shellharbour Rocks the Lake

8. Mayoral Minutes

Nil.

9. Councillors' Statements / Reports

Nil.

10. Reports

The Addresses to Council Forum was held prior to the Council Meeting at 4.30pm and there was one speaker on Item 10.2.3.

Agenda Item No. and Title	Page Ref	Name	For or Against
10.2.3 Proposed Licence Agreement to Blue Sky Adventures Pty Ltd – Part Lot 9002 in Deposited Plan 1254656 Shell Cove and Part Lot 2 in Deposited Plan 1240742 Albion Park Rail (12020277)	48	1. Megan Crombie	For

39 **RESOLVED:** Cr Graf/Cr Marsh

That standing orders be suspended in order for Item 10.2.3, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

10.2.3 Proposed Licence Agreement to Blue Sky Adventures Pty Ltd – Part Lot 9002 in Deposited Plan 1254656 Shell Cove and Part Lot 2 in Deposited Plan 1240742 Albion Park Rail (12020277)

Councillor Gow declared a Non-Significant Non-Pecuniary interest and remained in the room during discussion on the matter but absented himself from the meeting during voting.

Councillor Gow left the Chamber at 6.44pm

40 RESOLVED: Cr Graf/Cr Marsh

That

1. Council endorse a 12 month Licence Agreement with Blue Sky Adventures Pty Ltd for occupation of part Lot 9002 in Deposited Plan 1254656, and part Lot 2 in Deposited Plan 1240742, for the purpose of a skydiving landing zone and temporary check-in area, at an annual rental of \$10,500 excluding GST.
2. The Mayor and Chief Executive Officer, or their nominated delegate, be authorised to sign all documentation associated with the Licence Agreement for the occupation of part Lot 9002 in Deposited Plan 1254656, and part Lot 2 in Deposited Plan 1240742 for the purposes of a skydiving landing zone and temporary check-in area.

CARRIED UNANIMOUSLY

Councillor Gow returned to the Chamber at 6.45pm.

41 RESOLVED: Davey/Marsh

That standing orders be resumed.

CARRIED UNANIMOUSLY

10.1 Chief Executive Officer

10.1.1 Proposed Motions to the National General Assembly of Local Government – 13-16 June 2023 (12020338)

MOTION: Cr Marsh/Cr Graf

That Council receive and note the report Proposed Motions to the National General Assembly of Local Government – 13-16 June 2023.

Councillor Petreski FORESHADOWED a MOTION that should the Motion be lost he would move the following:

That Council put forward the following Motion to the 2023 National General Assembly:

Motion:

This National General Assembly calls on the Australian Government to advocate for action to address the national skills shortage and difficulties in

attracting and maintaining skilled staff within the Local Government sector and broader community by increasing incentives and measures to promote cadetship, apprenticeship, and traineeship employment opportunities.

42 The MOTION on being PUT to the Meeting was CARRIED 5/4

For Vote - Mayor Homer, Cr Marsh, Cr Gow, Cr Graf, Cr Davey

Against Vote - Cr Hamilton, Cr Duffy Moon, Cr Petreski, Cr Stefanovski

10.1.2 2021-2022 Annual Report including the Audited Financial Statements (12020840)

43 RESOLVED: Cr Davey/Cr Gow

That Council endorse the 2021-2022 Annual Report including the Audited Financial Statements for the year ended 30 June 2022.

CARRIED UNANIMOUSLY

10.1.3 Australian Local Government Women's Association – NSW Branch Annual Conference (12026342)

44 RESOLVED: Cr Marsh/Cr Hamilton

That any Councillor wishing to attend the Australian Local Government Women's Association – NSW Branch Annual Conference advise the Council Services office by Friday, 24 March 2023.

CARRIED UNANIMOUSLY

10.2 Council Sustainability Directorate

10.2.1 The Waterfront Shell Cove Land Purchase Option No. 12 Precinct H Residential Lots (12020397)

45 RESOLVED: Cr Gow/Cr Davey

That Council:

1. Not exercise its first purchase right of Harbour Land under the Shell Cove Management Agreement for the proposed residential Lots 8201 to 8207, 8209 to 8251 and 8301 to 8316 in Precinct H and, thereby, not retain the residential lots to be created in Precinct H.

2. Approves the transfer to Sydney Water of proposed Lot 8208 within Precinct H which is nominated as a sewer pump station.

CARRIED UNANIMOUSLY

10.2.2 Reciprocal Business Arrangements Policy (11967689)

46 RESOLVED: Cr Gow/Cr Graf

That:

1. Council endorse the Draft Reciprocal Business Arrangements Policy to be placed on public exhibition for a period of 28 days calling for submissions.
2. If any valid opposing submissions are received as a result of public exhibition, or if there are substantial post public exhibition changes proposed for any other reasons, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations regarding adoption.
3. If there are no valid opposing submissions received as a result of the public exhibition, or there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the Draft Reciprocal Business Arrangements Policy as attached to this report.

This resolution is a policy position of Council.

CARRIED UNANIMOUSLY

10.2.3 Proposed Licence Agreement to Blue Sky Adventures Pty Ltd – Part Lot 9002 in Deposited Plan 1254656 Shell Cove and Part Lot 2 in Deposited Plan 1240742 Albion Park Rail (12020277)

This item was considered earlier in the meeting (Resolution No 40).

10.2.4 Procurement Policy (12020281)

47 RESOLVED: Cr Marsh/Cr Davey

That:

1. Council endorse the draft Procurement Policy to be placed on public exhibition for a period of 28 days calling for submissions.

2. If any valid opposing submissions are received as a result of public exhibition, or if there are substantial post public exhibition changes proposed for any other reasons, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations regarding adoption.
3. If there are no valid opposing submissions received as a result of the public exhibition, or there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the draft Procurement Policy as attached to this report.

This resolution is a policy position of Council.

CARRIED UNANIMOUSLY

10.2.5 Shell Cove Project – 2022 Feasibility Study (12020286)

48 RESOLVED: Cr Duffy-Moon/Cr Graf

That Council receive and note the Shell Cove Project 2022 Feasibility Study submitted by Australand on 28 February 2022.

CARRIED UNANIMOUSLY

10.3 Community and Customers Directorate

10.3.1 Requests for Financial Assistance – Third Quarter Allocation 2022-2023 (12020417)

Councillor Duffy-Moon declared a Non-Significant Non-Pecuniary Interest and remained in the room, debated and voted on the matter.

Councillor Kellie Marsh declared a Non-Significant Non-Pecuniary Interest and remained in the room, debated and voted on the matter.

49 RESOLVED: Cr Graf/Cr Gow

That Council:

1. Provide financial assistance from the miscellaneous donations budget totaling \$9,090 to the following groups:

Organisation	Amount approved
Albion Park Cricket Club	\$1,000

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Albion Park Rail Cricket Club	\$1,000
Kookas Cricket Club	\$500
Oak Flats Tennis Club	\$1,000
Shellharbour Cricket Club	\$500
St Vincent de Paul All Saints Conference Warilla	\$500
Warilla Neighbourhood Centre Inc.	\$1,000
Warilla Wanderers FC	\$1,000
Kiama Shellharbour District Tennis Association	\$990
Probus Club of Shellharbour Inc.	\$600
Illawarra Women's Health Centre	\$1,000

2. Provide sponsorship from the sponsorship budget to the total value of \$2,200 to the following events:

Organisation	Amount approved
Shellharbour Festival of Sport	\$440
2023 Sharkskin NSW IRB Premiership	\$1,000
ANZAC Day Dawn Service	\$500
Steel City Strings	\$260

3. Support the sponsorship request NSW Surf Life Saving for the Country Championships, or the amount of \$15,000 per financial year for the 2023-2024 and 2024-2025 financial year, reducing the overall sponsorship budget accordingly for these financial years.
4. Approve the allocation of \$3,000 to Assist Shellharbour for fee reduction at Dunmore Waste Disposal Depot from the Fee Reduction Budget 2022-2023.

CARRIED UNANIMOUSLY

10.4 Amenity and Assets Directorate

10.4.1 Tender 2022/91 - Albion Oval Sportsfield Amenities Construction (12020941)

50 RESOLVED: Cr Marsh/Cr Graf

That:

1. In accordance with Clause 178 of the *Local Government (General) Regulation 2021 (NSW)*, Council accept the tender offer for contract 2022/91 from Tenderer 'A' for the Albion Oval Sportsfield Amenities Construction.
2. Council delegate to the Chief Executive Officer or their nominated delegate the authority to execute the contract 2022/91 and sign the letters of acceptance, variations and associated documents on behalf of Shellharbour City Council.
3. In accordance with the *Government Information (Public Access) Act 2009*, that the name of the successful contractor and amount payable under the contract be added to Council's contract register.

CARRIED UNANIMOUSLY

10.4.2 Tender 2023/04 – Panorama Oval Amenities Renewal (12020945)

51 RESOLVED: Cr Davey/Cr Hamilton

That:

1. In accordance with Section 178 of the *NSW Local Government (General) Regulation 2021*, accept the tender offer for contract 2023/04 from Tenderer 'A' for Panorama Oval Amenities Renewal.
2. Council delegate to the Chief Executive Officer or their nominated delegate the authority to execute the contract 2023/04 and sign the letters of acceptance, variations and associated documents on behalf of Shellharbour City Council.
3. In accordance with the *Government Information (Public Access) Act 2009*, the name of the successful contractor and amount payable under the contract be added to Council's contracts register.

CARRIED UNANIMOUSLY

10.4.3 Tender 2023/03 – Boonerah Point Amenities (12020947)

52 RESOLVED: Cr Davey/Cr Hamilton

That:

1. In accordance with Section 178 of the *NSW Local Government (General) Regulation 2021*, accept the tender offer for contract 2023/03 from Tenderer 'A' for Boonerah Point Amenities Block project.
2. Council delegate to the Chief Executive Officer or their nominated delegate the authority to execute the contract 2023/03 and sign the letters of acceptance, variations and associated documents on behalf of Shellharbour City Council.
3. In accordance with the *Government Information (Public Access) Act 2009*, the name of the successful contractor and amount payable under the contract be added to the contracts register.

CARRIED UNANIMOUSLY

11. Committee Recommendations

11.1 Recommendations from the Disability Access and Inclusion Advisory Committee Meeting held 22 February 2023 recommended for adoption.

53 RESOLVED: Cr Graf/Cr Hamilton

That the Recommendations from the Disability Access and Inclusion Advisory Committee Meeting held 22 February 2023 be adopted.

CARRIED UNANIMOUSLY

11.2 Recommendations from the Traffic Committee Meeting held 1 March 2023 recommended for adoption.

54 RESOLVED: Cr Duffy-Moon/Cr Davey

That the Recommendations from the Traffic Committee Meeting held 1 March 2023 be adopted.

CARRIED UNANIMOUSLY

12. Items for Information

Nil.

13. Notices of Rescission/Alteration Motions

Nil.

14. Notices of Motion

Nil.

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

Nil.

16. Urgent Business

Nil.

17. Consideration of Motions to Declassify Reports Considered in Closed Session

Nil.

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

Nil.

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

Nil.

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

Nil.

Meeting closed: 7.46pm