

**Minutes of the Ordinary Council Meeting
of Shellharbour City Council
held in the Council Chambers,
Council Administration Centre,
Shellharbour City Centre
on Tuesday 29 November 2022 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
A/Group Manager Organisational Performance	J Booth
A/Group Manager Asset Strategy	M Apolo
A/Group Manager City Planning	J Lintern
Media Officer	K Wells
Governance Manager	L Davey
Executive Assistant–Councillor Support (Minute Taker)	J Frasca

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 8 November 2022

225 RESOLVED: Cr Marsh/Cr Gow

That the Minutes of the Ordinary Council Meeting held on 8 November 2022 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

5. Disclosures of Interest

Nil.

6. Condolences

Ron "Hawkey" Hawke	of	Albion Park
Robert (Bob) Dodds	of	Albion Park
Una Mavis (Faulks) Sawtell	of	Albion Park Rail
David 'Dave' McCudden	of	Barrack Heights
Tony Alan McRae	of	Blackbutt
Neda Matesic	of	Flinders
Joan Geoghegan	of	Lake Illawarra
Robert Ciocca	formerly of	Mount Warrigal
Lianne Williams	of	Shell Cove
Beryl Pearson	formerly of	Shellharbour
Martin Hilton	of	Tullimbar
Beverly June Cappetta	of	Warilla
Max William Stewart	of	Warilla

226 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:

- | | |
|-------------|--|
| 9 November | • WIN News – Allen’s Lane / Tripoli Extension |
| 10 November | • UDIA NSW Illawarra Christmas Luncheon |
| 11 November | • Remembrance Day Service |
| | • National Federation Awards 2022 |
| 12 November | • Wings over Illawarra Opening |
| 15 November | • Media opportunity – Councils unite to secure renewable electricity agreement |
| | • Shellharbour City LGA Bus Tour with fellow councillors |
| 17 November | • Illawarra Shoalhaven Joint Organisation Board Meeting |
| 18 November | • Youth Summit |
| 19 November | • Shellharbour Rocks |
| | • The Great Illawarra Walk Charity Dinner |
| 20 November | • Official Opening of Illawarra Convoy |
| | • 27 Army Cadet Unit Formal Dining in Night |
| 21 November | • BlueScope Board – Community Celebration |
| 23 November | • Ground breaking for Warilla Sea Wall Renewal Project and Coastal Snaps Project |
| | • Media interview – Warilla Beach’s seawall reconstruction |
| 24 November | • Shellharbour Anglican College – Beverley Whitfield Awards |
| 25 November | • Community Achievement Awards Gala Dinner |
| 27 November | • NSW Rural Fire Service – Illawarra/Sutherland District Medal Presentation |
| 29 November | • HDRIVE unveils Australasia’s First Hydrogen Double Decker City Bus |

8. Mayoral Minutes

8.1 Mayoral Minute – Roads funding request (Attachment 1)

227 RESOLVED: Mayor Homer

That Council:

1. Joins with Local Government NSW in declaring a Statewide Road Emergency.
2. Write to the Prime Minister of Australia Anthony Albanese and the Premier of New South Wales Dominic Perrottet requesting immediate

action to increase funding for the local and regional road network of NSW.

CARRIED UNANIMOUSLY

9. Councillors' Statements / Reports

Councillor Petreski outlined his attendance at the Youth Summit and the success of the event.

Councillor Marsh outlined her attendance at Wings over Illawarra and acknowledged the work carried out by staff to get the airport ready for the event.

10. Reports

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

Agenda Item No & Title	Page Ref	Name	For or Against
10.3.1 Provision of Shade in Playgrounds (11967773)	33	1. Bronwyn Fackender	For

228 RESOLVED: Cr Petreski/Cr Hamilton

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

10.3.1 Provision of Shade in Playgrounds (11967773)

229 RESOLVED: Cr Marsh/Cr Petreski

That Council:

1. Receive and note the information in this report on the provision of shade in playgrounds; and

2. Seek funding opportunities to provide shade at the play spaces identified in the priority list; and
3. Develop a program to implement shade in future play space upgrades and renewal projects; and
4. Include shade with future open space masterplans that include a play space.

CARRIED UNANIMOUSLY

230 RESOLVED: Cr Petreski/Cr Hamilton

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

10.1 Chief Executive Officer

10.1.1 Delegations to the Chief Executive Officer (11967938)

231 RESOLVED: Cr Marsh/Cr Stefanovski

That Council endorse the updated delegations to the Chief Executive Officer as detailed in Attachment 2.

CARRIED UNANIMOUSLY

10.1.2 Your Ideas, Our Actions – First Quarter Review of the Delivery Program and Operational Plan 2022-2023 (11967898)

232 RESOLVED: Cr Davey/Cr Graf

That Council adopt the:

1. Your Ideas, Our Actions - First Quarter Review of the Delivery Program/ Operational Plan 2022-2023.
2. September 2022 Quarterly Budget Review with all recommended adjustments and strategies as contained in this report and Attachment 2.

CARRIED UNANIMOUSLY

10.2 Council Sustainability Directorate

10.2.1 Monthly Investment Report – October 2022 (11967767)

233 RESOLVED: Cr Marsh/Cr Gow

That Council receive and note the Investment Portfolio report as at 31 October 2022.

CARRIED UNANIMOUSLY

10.3 Community and Customers Directorate

10.3.2 Dog Agility Water Park (11967792)

234 RESOLED: Cr Graf/Cr Gow

That Council receive and note the Dog Agility Water Park report.

CARRIED 8/1

For Vote - Mayor Homer, Cr Hamilton, Cr Duffy Moon, Cr Gow, Cr Petreski, Cr Stefanovski, Cr Graf, Cr Davey

Against Vote - Cr Marsh

10.3.3 Requests for Financial Assistance – Second Quarter Allocation 2022-2023 (11968672)

235 RESOLVED: Cr Marsh/Cr Graf

That Council provide financial assistance from the miscellaneous donations budget totaling \$6,400 to the following groups:

Illawarra Women's Health Centre	\$500
Lake Illawarra Athletics Association	\$900
Seated in Circle- Women's Support Group	\$200
Shell Cove Community Garden	\$300
St Vincent De Paul Society–All Saints Conference Shellharbour	\$500
The Shepherd Centre	\$1,000
Volunteer Marine Rescue NSW Shellharbour	\$1,000
Warilla Barrack Point Surf Life Saving Club	\$2,000

CARRIED UNANIMOUSLY

10.4 Amenity and Assets Directorate

10.4.1 Tender 2022-60 - Barrack Heights Shared Path (11968906)

236 RESOLVED: Cr Davey/Cr Marsh

That:

1. Council decline to accept any tender in accordance with clause 178(1) of the *NSW Local Government (General) Regulation 2021*.
2. In accordance with Section 178(3)(e) of the *NSW Local Government (General) Regulation (2021)*, Council enter into negotiations with any person with a view to entering into contracts in relation to the subject matter of the Tender and not invite fresh tenders for the following reasons:
 - a) Clarification of the path design and work methods through a negotiation may reduce the prices offered
 - b) Current unavailability of competitive tenderers
3. Council delegate to the Chief Executive Officer or their nominated delegate the authority to undertake and finalise negotiations, sign the letters of acceptance and execute the contracts, variations and associated documents on behalf of Shellharbour City Council.
4. In accordance with the *Government Information (Public Access) Act 2009*, the name of the successful contractor and amount payable under the contracts be added to the contracts register.

CARRIED UNANIMOUSLY

10.4.2 Tender 2022-64 - Lake Entrance Road Retaining Wall Renewal (11968906)

237 RESOLVED: Cr Davey/Cr Graf

That:

1. Council decline to accept any tender in accordance with clause 178(1) of the *NSW Local Government (General) Regulation 2021*.
2. In accordance with Section 178(3)(e) of the *NSW Local Government (General) Regulation (2021)*, Council enter into negotiations with any person with a view to entering into contracts in relation to the subject matter of the Tender and not invite fresh tenders for the following reasons:
 - a. Clarification of traffic facilities, construction materials and work methods through a negotiation may reduce the prices offered

- b. Current unavailability of competitive tenderers
- 3. Council delegate to the Chief Executive Officer or their nominated delegate the authority to undertake and finalise negotiations, sign the letters of acceptance and execute the contracts, variations and associated documents on behalf of Shellharbour City Council.
- 4. In accordance with the *Government Information (Public Access) Act 2009*, the name of the successful contractor and amount payable under the contracts be added to the contracts register.

CARRIED UNANIMOUSLY

11. Committee Recommendations

11.1 Recommendations from the Traffic Committee Meeting held 2 November 2022

238 RESOLVED: Cr Davey/Cr Duffy-Moon

That the Recommendations from the Traffic Committee Meeting held 2 November 2022 be adopted.

CARRIED UNANIMOUSLY

11.2 Recommendations from the Disability Access and Inclusion Advisory Committee Meeting held 9 November 2022

239 RESOLVED: Cr Marsh/Cr Graf

That the Recommendations from the Disability Access and Inclusion Advisory Committee Meeting held 9 November 2022 be adopted.

CARRIED UNANIMOUSLY

12. Items for Information

Nil.

13. Notices of Rescission/Alteration Motions

Nil.

14. Notices of Motion

14.1 Notice of Motion submitted by Cr Robert Petreski: Car Parking Study and Review (11972447)

MOTION: Cr Petreski/Cr Duffy-Moon

1. That Council officers prepare a report to conduct a parking study and review into the current parking provisions in our city and town centres, with a view to identifying opportunities that may better facilitate our communities parking requirements. This review should include, but not be limited to, the current DCP parking provision requirements for medium and high-density developments in our LGA.
2. This review may be staged, commencing with the Shellharbour City Centre, then rolling out to Town Centres.
3. This report be presented in time for the Parking Study and Review's consideration in the 2023-2024 Operational Plan

Councillor Marsh FORESHADOWED a MOTION that should the Motion be lost she would move the following:

That the CEO organise a briefing/workshop with councillors early in 2023. The Briefing will include discussion on the current parking requirements in our City and town centres and information on relevant planning regulations pertaining to parking provisions within our City. The briefing should also include discussion on the review of the Development Control Plan in relation to minimum parking requirements.

240 RESOLVED: Marsh/Davey

That Councillor Graf be given a one minute extension of time to conclude her address to Council.

CARRIED UNANIMOUSLY

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

For Vote - Cr Hamilton, Cr Duffy Moon, Cr Petreski, Cr Stefanovski
Against Vote - Mayor Homer, Cr Marsh, Cr Gow, Cr Graf, Cr Davey

The FORESHADOWED MOTION became the new Motion.

241 **RESOLVED: Marsh/Davey**

That the CEO organise a briefing/workshop with councillors early in 2023. The Briefing will include discussion on the current parking requirements in our City and town centres and information on relevant planning regulations pertaining to parking provisions within our City. The briefing should also include discussion on the review of the Development Control Plan in relation to minimum parking requirements.

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

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 7.46 pm

Attachments:

1. 8.1 Mayoral Minute – Roads funding request

Attachment 1

Subject 8.1 Mayoral Minute - Roads funding request

To my fellow Councillors

Mayoral Minute

Summary

The purpose of this Mayoral Minute is to seek Council's support to join with Local Government NSW and Country Mayors Association of NSW in declaring a Statewide Road Emergency.

Background

Shellharbour City has been affected by flood events in the past 12 months. The impact on roads from heavy rain in Shellharbour City and throughout the State has been significant.

According to the President of Local Government NSW (LGNSW), Darriea Turley, of the 128 local government areas in NSW, 126 have had natural disaster declarations within the last 12 months. On 3 November 2022, Local Government NSW declared a Statewide Roads Emergency.

The Statewide Roads Emergency Declaration by LGNSW and urgent call for the NSW and Federal governments to increase their existing road funding commitments, follows successive floods and road damage across the NSW local and regional road network.

I call on Shellharbour Council to show support for this move and whole-heartedly endorse the Local Government NSW request to boost roads funding.

As part of the Statewide Roads Emergency, LGNSW and Country Mayors Association of NSW are calling for:

- An acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program from the New South Wales Government;
- A boost to roads Block Grant funding to compensate for the damage to the regional road network from the Federal Government; and
- New funding to provide councils with plant, machinery and skilled workers to expedite road repairs from the Federal Government.

The local and regional road network is critical infrastructure. Other regional and rural communities across the state need help.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting – 29 November 2022

We need to support our peak bodies in their declaration of a Statewide Road Emergency.

By supporting this Mayoral Minute you are endorsing that I write to the Prime Minister of Australia Anthony Albanese and the Premier of New South Wales Dominic Perrottet requesting immediate action to increase in funding for the local and regional road network of NSW.

Recommendation

That Council:

- 1. Joins with Local Government NSW in declaring a Statewide Road Emergency.**
- 2. Write to the Prime Minister of Australia Anthony Albanese and the Premier of New South Wales Dominic Perrottet requesting immediate action to increase funding for the local and regional road network of NSW.**

Mayor, Chris Homer

Approved for Council's
consideration:

Date of Meeting: 29 November 2022

Attachments

Nil