

# **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting – 7 February 2023

---

**Minutes of the Ordinary Council Meeting  
of Shellharbour City Council  
held in the Council Chambers,  
Council Administration Centre,  
Shellharbour City Centre  
on Tuesday 7 February 2023 commencing at 6.33pm**

## **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
Shell Cove Executive Manager	W Peterson
Chief Financial Officer	K Buckman
Group Manager Built & Natural Environment	M Apolo
Group Manager Business Technology and Customer Service	M Chiodo
Group Manager City Planning	G Hoynes
Manager Business and Investment	T James
Property Management Coordinator	L Wicks
Property Officer	A Celima
Senior Transport Engineer	W Wilson
Engineering Technical Officer	S Luo
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 13 December 2022**

1 RESOLVED: Cr Graf/Cr Hamilton

That the Minutes of the Ordinary Council Meeting held on 13 December 2022 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

**5. Disclosures of Interest**

**Councillor Jacqui Graf:** Item 10.2.3 Update on Proposed Partial Road Closure – Part Allens Lane, Shellharbour

**Nature of Interest:** Councillor Graf declared a Non-Significant Non Pecuniary Interest as her submission of community concerns could be perceived as a conflict of interest. Councillor Graf will remain in the room during discussion on the matter but will absent herself from the meeting during voting.

**6. Condolences**

Councillor Marsh acknowledged the passing of Leo Lagana and extended her sincere condolences to his family.

Lorraine “Fay” Ehrich	formerly of	Albion Park
Irene Graham	of	Albion Park
Marija Mursic	of	Albion Park
Noellene Janice Quinn	of	Albion Park
Ingeborg Sinnreich	of	Albion Park
Michelle Leigh Boon	of	Albion Park Rail
Jean “Robyn” Taylor	of	Albion Park Rail
Barrie Michael Breen	of	Barrack Heights
Michael Sidney Hort	of	Barrack Heights
Dragica Stankovic	of	Barrack Heights
Ratka Tasevska	of	Barrack Heights
Paul Betts	of	Mount Warrigal

## **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting – 7 February 2023

---

David Stanley Cook	of	Mount Warrigal
Manfred Jankowski	formerly of	Mount Warrigal
Carolanne (Carol) Kyle	of	Oak Flats
Martin Joseph Larkin	of	Oak Flats
Hilary Spurrier	formerly of	Oak Flats
Eve (Nee Day) Cheslett	of	Shell Cove
Des Crouch	of	Shellharbour
David Harrison	of	Shellharbour
Joseph Briguglio	of	Tullimbar
Irena Krajewski	of	Warilla
Eleanor May (Elle) Martin	of	Warilla

- 2 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:

- |             |   |
|-------------|---|
| 14 December | • Albion Park Public School - Beverley Whitfield and Community Service Awards   |
| 15 December | • Business Illawarra State Election Platform Launch and End of Year Celebration |
| 16 December | • Shell Cove Public School – Beverley Whitfield Awards                          |
| 17 December | • Australian Air Force Cadets – Dining in Night with a Difference               |
| 18 January  | • Media interview – Albion Park Stronger Communities Grant                      |
| 19 January  | • 2023 Australian Liveability Census – Information Session                      |
| 20 January  | • Shellharbour Community Awards   |
| 26 January  | • Australia Day Citizenship Ceremony  |
|             | • Australia Day Symphony by the Sea   |
| 27 January  | • Meraki – Shellharbour Arts Society Opening                                    |
| 31 January  | • Media opportunity – School Road Safety Fence Banner Program                   |
| 1 February  | • Launch of NSW Seniors Festival – Health and Wellbeing Festival and Expo       |

- 2 February
- Illawarra Shoalhaven Health District update with Local MPs and Mayors
  - Lifeguard Challenge

The Mayor then took the opportunity to pay tribute to the Council lifeguards who provided medical support to the young boy who was struck by lightning at Little Lake on 26 January. He also thanked the members of the public who assisted, as well as the emergency services who provided medical care and extended his best wishes to the young boy and his family as he continues to recover.

**8. Mayoral Minutes**

Nil.

**9. Councillors' Statements / Reports**

Nil.

**10. Reports**

The Addresses to Council Forum was held prior to the Council Meeting from 4.30pm to 5.30pm and there were speakers on items 10.2.2 and 10.2.3.

<b>Agenda Item No &amp; Title</b>	<b>Page Ref</b>	<b>Name</b>	<b>For or Against</b>
10.2.2 Proposed New Agreement – True Hearts Community Inc – Senior Citizens Centre, Benaud Crescent, Warilla (11999431)	19	1. Gillian Pilkington 2. Leanne Gordon	For
10.2.3 Update on Proposed Partial Road Closure – Part Allens Lane, Shellharbour (11999367)	26	1. Gareth Ward MP Member for Kiama	For
10.2.3 Update on Proposed Partial Road Closure – Part Allens Lane, Shellharbour (11999367)	26	1. Hetty Cummins	Against

3 RESOLVED: Cr Marsh/Cr Davey

That standing orders be suspended in order for items 10.2.2.and 10.2.3, the subject to Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

**10.2.2 Proposed New Agreement – True Hearts Community Inc – Senior Citizens Centre, Benaud Crescent, Warilla (11999431)**

4 RESOLVED: Cr Marsh/Cr Stefanovksi

That:

1. Council endorse the licence to True Hearts Community Inc for occupation of Part Lot 11 DP 1125335, Benaud Crescent, Warilla be placed on public exhibition pursuant to section 47 of the Local Government Act 1993 for a period of 28 days calling for submissions.
2. Provided there are no valid opposing submissions received during the public exhibition period, Council endorse a licence to True Hearts Community Inc for occupation of Part 11 DP 1125335, Benaud Crescent, Warilla for a period of three (3) years, at a commencing rental of \$100 per annum excluding GST.
3. The Mayor and Chief Executive Officer, or his nominated delegate, be authorised to sign all documentation, including affixing of the Council Seal associated with the licence to True Hearts Community Inc for occupation of Part 11 DP 1125335, Benaud Crescent, Warilla

CARRIED UNANIMOUSLY

**10.2.3 Update on Proposed Partial Road Closure – Part Allens Lane, Shellharbour (11999367)**

Councillor Graf declared a Non-Significant Non-Pecuniary Interest and will remain in the Chamber during discussion on the matter and will absent herself from the meeting during voting.

5 RESOLVED: Cr Davey/Cr Marsh

That:

1. Council note the submissions received in respect of the proposed partial road closure of Part Allens Lane, Shellharbour and Council's response to the submissions.

2. Council close part of Allens Lane, Shellharbour and place a notification in the NSW Government Gazette to that effect pursuant to S38D(1) *Roads Act 1993*.
3. Following the vesting in Council of the land within the closed road of part Allens Lane, Shellharbour, Council endorses the sale of land within the closed road to Shellharbour Village Apartments Pty Ltd at a purchase price of \$700,000 GST exclusive.
4. The Mayor and Chief Executive Officer, or their nominated delegate, be authorised to sign all documentation, including affixing of the Council Seal associated with the closure of part Allens Lane, Shellharbour and sale to Shellharbour Village Apartments Pty Ltd.

Councillor Graf left the Chamber at 7.13pm

CARRIED on the Mayor's casting vote

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

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

Councillor Graf returned to the Chamber at 7.14pm

6 RESOLVED: Cr Marsh/Cr Davey

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

## **10.1 Chief Executive Officer**

### **10.1.1 National General Assembly of Local Government 13-16 June 2023 (11998436)**

7 RESOLVED: Cr Davey/Cr Hamilton

1. That any Councillor wishing to attend the National General Assembly of Local Government advise the Council Services office as soon as possible in order to take advantage of early bird registration and to ensure suitable accommodation close to the venue.
2. That any proposed motions that comply with the National General Assembly of Local Government motion criteria be submitted to the Executive Assistant – Councillor Support by no later than 20 February 2023.

CARRIED UNANIMOUSLY

**10.2 Council Sustainability Directorate**

**10.2.1 Monthly Investment Report - November and December 2022 (11992977)**

8 RESOLVED: Cr Graf/Cr Davey

That Council receive and note the Investment Portfolio report as at 30 November 2022 and 31 December 2022.

CARRIED UNANIMOUSLY

**10.2.2 Proposed New Agreement – True Hearts Community Inc – Senior Citizens Centre, Benaud Crescent, Warilla (11999431)**

This item was considered following Addresses to Council (refer to Resolution No 4)

**10.2.3 Update on Proposed Partial Road Closure – Part Allens Lane, Shellharbour (11999367)**

This item was considered following Addresses to Council (refer to Resolution No 5)

**10.3 Community and Customers Directorate**

**10.3.1 Road Renaming for Hicks Lane, Warilla and Queen Lane, Lake Illawarra (11976878)**

9 RESOLVED: Cr Davey/Cr Gow

That Council:

1. Approve the renaming of Hicks Lane, Warilla to Spanish Lane and Queens Lane, Lake Illawarra to Cricketers Lane.
2. Proceed with the advertising and notification of Spanish Lane and Cricketers Lane in accordance with the requirements of the *Roads Act 1993* and *Roads Regulation 2018* and that if no valid objections are received within the advertising period the names be approved and gazetted.

CARRIED UNANIMOUSLY



**10.4 Amenity and Assets Directorate**

Nil.

**11. Committee Recommendations**

**11.1 Recommendations from the Traffic Committee Meeting on 7 December 2022**

10 RESOLVED: Cr Davey/Cr Duffy-Moon

That the Recommendations from the Traffic Committee Meeting held on 7 December 2022 be adopted.

CARRIED UNANIMOUSLY

**11.2 Recommendations from the Australia Day Advisory Committee Meeting on 14 December 2022**

11 RESOLVED: Cr Petreski/Cr Hamilton

That the Recommendations from the Australia Day Advisory Committee Meeting held on 14 December 2022 be adopted.

CARRIED UNANIMOUSLY

**11.3 Recommendations from the Sports Assistance Advisory Committee Meeting on 15 December 2022**

12 RESOLVED: Cr Marsh/Cr Graf

That the Recommendations from the Sports Assistance Advisory Committee Meeting held on 15 December 2022 be adopted.

CARRIED UNANIMOUSLY

**12. Items for Information**

**12.1 Item for Information: Petition requesting Outdoor Table Tennis Table (11999925)**

The item for information was formally NOTED.

**13. Notices of Rescission/Alteration Motions**

Nil.

**14. Notices of Motion**

**14.1 Notice of Motion submitted by Cr Jacqui Graf and Cr John Davey: The Waterfront Centre Location Review (11999833)**

MOTION: Cr Graf/Cr Davey

That Council undertake a review of the location of the proposed Waterfront Centre, (Library/Community Centre/Visitor Information Centre) Shell Cove.

- i) The review should assess whether current planning of The Centre most effectively achieves and aligns with the strategic direction articulated by our community, all IP&R Framework objectives and Shell Cove Marine Precinct Strategic Business Plan aims, and
- ii) The review should identify possible alternatives to location and relative form/function and be reported back to Councillors for consideration before further progressing any works.

The MOTION on being PUT to the Meeting was LOST 3/6

For Vote - Cr Marsh, Cr Graf, Cr Davey

Against Vote - Mayor Homer, Cr Hamilton, Cr Duffy Moon, Cr Gow, 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.

## **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting – 7 February 2023

---

**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 7.40pm**