

**Minutes of the Ordinary Council Meeting
of Shellharbour City Council held in the
Council Chambers, Council Administration Centre,
Shellharbour City Centre
on Tuesday 9 May 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
Group Manager Asset Strategy	D Brilsky
Group Manager City Development	J Micevski
Group Manager City Planning	G Hoynes
Manager Financial Services	P Henderson
Manager Business and Investment	T James
Airport Manager	P Ferguson
Senior Strategic Planner	C Lappin
Property Officer	A Celima
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 18 April 2023

72 RESOLVED: Cr Marsh/Cr Graf

That the Minutes of the Ordinary Council Meeting held on 18 April 2023 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

5. Disclosures of Interest

Councillor Davey Item: 10.2.2. Licence Agreement and Lease of Airspace to Historical Aircraft Restoration Society – Qantas Boeing 747-400ER “VH-OJA” – Part Lot 2 DP 1240742 Shellharbour Airport

Nature of Interest: Councillor Davey declared a Non-Significant Non-Pecuniary Interest as he is a tour guide at HARS.

Action: Councillor Davey will absent himself during discussion and voting on the matter.

Councillor Graf Item 8.1 Mayoral Minute: Damaging Increase in Emergency Services Levy Costs

Nature of Interest: Councillor Graf declared a Non-Significant Non-Pecuniary Interest as her husband works with Emergency Services.

Action: Councillor Graf will remain in the room and debate and vote on the matter.

6. Condolences

Colin George Martin	formerly of	Albion Park
Thomas Peter (Silver) Ryan	of	Albion Park
Kathleen Mary Hilton	of	Albion Park Rail
Barry (Baz) May	of	Albion Park Rail
Ronald (Ron) Sunderland	of	Albion Park Rail
James Bleakley	of	Blackbutt
Stojo (Steve) Babarovski	of	Flinders
Djermano 'Romano' 'Ron' Biletic	of	Lake Illawarra
Stojna Leveska	of	Lake Illawarra
Gai (Nee Emerton) Glover	formerly of	Mount Warrigal
Douglas John Fletcher	of	Shellharbour
Lina Giuliato	of	Warilla
Maria Quintana	of	Warilla

- 73 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:

- 22 April • Markets at Shellharbour Civic Centre
- 25 April • Albion Park RSL Sub Branch Anzac Dawn Ceremony
 - Warilla RSL Sub-Branch Anzac Service
 - 2023 Anzac Day Commemorative Service
 - Warilla Bowls & Recreation Club Anzac Service
- 26 April • Illawarra First Exclusive Breakfast
- 27 April • Lake Illawarra CMP Implementation Group Walk
 - Donations and Sponsorship of Community Events Afternoon Tea
- 28 April • ISJO Board Meeting
 - Briefing for Community Leaders on the Defence Strategic Review
- 29 April • Aussie Aid Community Quiz Night
- 3 May • Citizenship Ceremony
- 4 May • Business Council of Australia 'Strong Australia Series Luncheon'

- 6 May • Women Illawarra's First Annual Fundraiser
- 7 May • Cities Service Boston Commemoration

8. Mayoral Minutes

8.1 Mayoral Minute: Damaging increase in Emergency Services Levy costs (12057797)

Note: Councillor Graf declared a Non-Significant Non Pecuniary Interest and remained in the room, debated and voted on the matter.

MOTION: Mayor Homer

That:

1. Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):
 - a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's \$3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.
 - c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;
 - d. Calling on the NSW Government to take immediate action to:
 - i. restore the ESL subsidy in 2023/24
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.

3. Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Council's emergency services contribution.

74 RESOLVED: Cr Duffy-Moon/Cr Hamilton

That Councillor Petreski be given an extension of time of 1 minute to conclude his address.

CARRIED 6/3

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

Against Vote - Mayor Homer, Cr Marsh, Cr Davey

75 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

9. Councillors' Statements / Reports

Nil.

10. Reports

10.1 Chief Executive Officer

10.1.1 Delegations to the Chief Executive Officer (12051663)

76 RESOLVED: Cr Hamilton/Cr Graf

That Council endorse the amended delegations to the Chief Executive Officer as detailed in Attachment 1.

CARRIED UNANIMOUSLY

10.2 Council Sustainability Directorate

10.2.1 Monthly Investment Report – March 2023 (11993160)

77 RESOLVED: Cr Marsh/Cr Gow

That Council receive and note the Investment Portfolio report as at 31 March 2023.

CARRIED UNANIMOUSLY

10.2.2 Licence Agreement and Lease of Airspace to Historical Aircraft Restoration Society – Qantas Boeing 747-400ER “VH-OJA” – Part Lot 2 DP 1240742 Shellharbour Airport (12047083)

Noted: Councillor Davey declared a Non-Significant Non-Pecuniary Interest and left the Chamber whilst the matter was being considered.

Councillor Davey left the Chamber at 7.01pm

78 RESOLVED: Cr Marsh/Cr Stefanovski

That:

1. Council endorse a five year Licence Agreement with Historical Aircraft Restoration Society for the occupation of part Lot 2 DP 1240742, 42 Airport Road, Albion Park Rail for the purpose of parking the Qantas 747-400 aircraft.
2. Council endorse that the annual market rental of \$38,200 (exclusive of GST) be reduced and staged in accordance with the following Table:

Year	Percent Subsidy	Proposed Rent per annum (ex GST)
Year 1	85%	\$5,733
Year 2	75%	\$9,555
Year 3	65%	\$13,377
Years 4 & 5	54.1%	\$17,543

3. Council enter into a Lease of Airspace with the Historical Aircraft Restoration Society for occupation of airspace over the public road known as Boomerang Avenue, Albion Park Rail for a term of 5 years, at a commencing rental of \$650 excluding GST with CPI increases to be applied annually thereafter.

4. The Chief Executive Officer, or their nominated delegate, be authorised to sign all documentation associated with the Licence Agreement and Lease of Airspace with the Historical Aircraft Restoration Society for the occupation of part Lot 2 DP 1240742, 42 Airport Road, Albion Park Rail and airspace over part Boomerang Avenue, Albion Park Rail.

CARRIED UNANIMOUSLY

Councillor Davey returned to the Chamber at 7.03pm.

10.3 Community and Customers Directorate

10.3.1 Council Related Development Application – Conflict of Interest Policy (12028102)

79 RESOLVED: Cr Gow/Cr Davey

That Council acknowledge the Council Related Development Application – Conflict of Interest Policy (Operational Policy).

CARRIED UNANIMOUSLY

10.3.2 Proposed Planning Agreement for the provision of a District Park, Local Park and Monetary Contributions associated with the subdivision of proposed Lot 100 and Lot 101 (in the subdivision of Lot 1 in DP 608238) Calderwood Road, Calderwood – DA0290/2018 (12047105)

80 RESOLVED: Cr Graf/Cr Marsh

That:

1. Council endorse for the purpose of exhibition, the draft Planning Agreement between Council and Sekisui House Services Pty Ltd. The Planning Agreement is for the provision of Developer Contributions and Community Infrastructure, as required under Condition B30 of Development Consent DA0290/2018.
2. Council place the draft Planning Agreement for proposed Lot 100 and Lot 101 (in the subdivision of Lot 1 in DP 608238) Calderwood Road, Calderwood on public exhibition for a period of at least 28 days in accordance with Section 7.5(1) of the *Environmental Planning and Assessment Act 1979*.

3. Should no valid opposing submissions to the Draft Planning Agreement be received as a result of the public notification process, the Chief Executive Officer or their nominated delegate and Mayor be granted delegation to enter into the agreement on Council's behalf.
4. Should any valid opposing submissions to the Draft Planning Agreement be received as a result of the public notification process, the matter be reported back to Council for further consideration.

CARRIED UNANIMOUSLY

10.4 Amenity and Assets Directorate

10.4.1 Contract 2021/31 – Shellharbour City Council Design Panel – Civil (12048119)

81 RESOLVED: Cr Marsh/Cr Davey

That Council:

1. In accordance with Clause 178 of the *Local Government (General) Regulation 2021 (NSW)*, approve the extension of the Contract 2021/31 - Shellharbour City Council Design Panel – Civil for a period of one year.
2. Authorise the Chief Executive Officer, or their nominated delegate, to approve procurements for the Shellharbour City Design Panel – Civil, execute contracts, authorise variations and associated documents on behalf of Council.

CARRIED UNANIMOUSLY

10.4.2 Tripoli Way Extension – Update and consideration of project timeline (12048171)

82 RESOLVED: Cr Marsh/Cr Davey

That Council:

1. Receive and note the Tripoli Way Extension – Update and consideration of project timeline report.
2. Write to State Government agencies advising of the importance of the processing timeframes.

CARRIED UNANIMOUSLY

11. Committee Recommendations

11.1 Recommendations from the Aboriginal Advisory Committee Meeting held 7 March and 28 March 2023 recommended for adoption.

83 RESOLVED: Cr Petreski/Cr Marsh

That the Recommendations from the Aboriginal Advisory Committee Meeting held 7 March and 28 March 2023 be adopted.

CARRIED UNANIMOUSLY

11.2 Recommendations from the Traffic Committee Meeting held 5 April 2023 recommended for adoption.

84 RESOLVED: Cr Duffy-Moon/Cr Davey

That the Recommendations from the Traffic Committee Meeting held 5 April 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 7.18pm