Minutes of the Ordinary Council Meeting

of Shellharbour City Council

held in the Council Chambers,

Council Administration Centre, Shellharbour City Centre

on Tuesday 5 April 2022 commencing at 6.30pm

Present

Mayor, Councillor	C Homer
Deputy Mayor	K Marsh
Councillor	J Davey
Councillor	M Edwards
Councillor	J Graf
Councillor	M Hamilton
Councillor	R Petreski
Councillor	L Stefanovski

In attendance

Acting Chief Executive Officer	M Boxall
Director Council Sustainability	S Bridgement
Acting Director Community & Customers	M Chiodo
Director Amenity and Assets	B Stewart
Executive Manager / Public Officer	F Lepouras
Group Manager Organisational Performance	S Colefax
Group Manager Built and Natural Environment	M Apolo
Chief Financial Officer	K Buckman
Manager Financial Services	P Henderson
Manager Business and Investment	T James
Manager Environment	N McGregor
Senior Strategic Planner	C Lappin
Property Officer	A Celima
Environment Officer	K Parker
Media Officer	K Wells
Media & Communications Cadet	H Ekman
Executive Assistant–Councillor Support (Minute Taker)	J Frasca
Manager Information Communication Technology	M Baez

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 22 March 2022

66 RESOLVED: Cr Petreski/Cr Marsh

That the Minutes of the Ordinary Council Meeting held on 22 March 2022 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

5. Disclosures of Interest

Nil.

6. Condolences

Council, since its last meeting, has learned with genuine regret of the passing of the following members of our community:

Walter (Wally) Aggar	of	Albion Park
Elizabeth 'Betty' Foxall	of	Albion Park
Leanne Thornton	of	Albion Park
Carolyn "Gail" Penfold	of	Albion Park Rail
Patricia (Tere) Boulton Frino	of	Barrack Heights
Kathleen Guthrie	formerly of	Oak Flats
Arthur Thomas	of	Shellharbour
Klaus Fricke	formerly of	Warilla

67 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:

23 March	• Tourism Shellharbour Board Meeting
24 March	• Flood statement press conference
25 March	• CivicRisk Mutual Members Assembly
28 March	• Cheque presentation – Great Illawarra Walk
29 March	• Healthy Cities Illawarra Governance Training
30 March	• Southern Regional Planning Panel meeting

31 March	• DSSS Destination Management Planning consultation
31 March	• Illawarra Business – 2022 Federal Budget Luncheon
1 April	• Illawarra Shoalhaven Joint Organisation Board Meeting
5 April	• Donations/Sponsorship cheque handover

The Mayor then read out a letter received from the Shellharbour City State Emergency Service Unit Commander, Marianne McTiernan thanking Council for their support and assistance during the recent large rain event.

8. Mayoral Minutes

Nil.

9. Councillors' Statements / Reports

Nil.

10. Reports

10.1 Chief Executive Officer

10.1.1 Disclosure of Interest Returns from 22 December 2021 (11846546)

68 RESOLVED: Cr Petreski/Cr Marsh

That Council receive and note the tabling of the Disclosure of Interest first returns for the mayor and councillors following the election on 4 December 2021 in accordance with Council's Code of Conduct for Councillors and section 440AAB of the Local Government Act, 1993.

CARRIED UNANIMOUSLY

10.2 Council Sustainability Directorate

10.2.1 Monthly Investment Report – February 2022 (11843594)

69 RESOLVED: Cr Edwards/Cr Hamilton

That Council receive and note the Investment Portfolio report as at 28 February 2022.

CARRIED UNANIMOUSLY

10.2.2 Renewal of lease and proposed road closure of unused road reserve adjoining 93 Bridge Avenue, Oak Flats (11843102)

70 RESOLVED: Cr Davey/Cr Marsh

That:

1. Council enter into a Lease with the owners of 93 Bridge Avenue, Oak Flats for approximately 100m^2 of Council's unused road reserve for a period of five (5) years, at a commencing rental of $700 plus GST and CPI increases to be applied annually thereafter.

2. Council commence the process to formally close the section of unused road reserve adjoining 93 Bridge Avenue, Oak Flats pursuant to the *Roads Act 1993* including giving a minimum 28 days' notice of its intention to permanently close the road, subject to Shellharbour Traffic Committee endorsement.

3. Following the notification period a further report be submitted to Council to consider any submissions received together with any proposed solutions to objections raised and to further consider approval of the road closure and sale of the closed road in accordance with the provisions of Sections 38D and 43 of the *Roads Act 1993.*

4. The Mayor and Chief Executive Officer, or his nominated delegate be authorised to sign all documentation, including affixing of the Council Seal associated with granting the lease of unused road reserve adjoining 93 Bridge Avenue, Oak Flats.

CARRIED UNANIMOUSLY

10.2.3 Proposed Road Closure – part Cattle Road, Calderwood (11843381)

71 RESOLVED: Cr Marsh/Cr Graf

That Council:

1. Close part Cattle Road at Calderwood shown on Attachment 1 and place a notification in the NSW Government Gazette to that effect pursuant to S38D(1) *Roads Act 1993*.

2. Endorse the sale of the land within the road proposed to be closed, shown by cross hatching on Attachment 1, to Lend Lease Communities (or nominee) for consolidation with the adjoining land comprised in Lot 11 DP 1237642 for $700,000, excluding GST, subject to formal closure and issue of title.

3. Resolve to classify the land within the part of Cattle Road to be closed, excluding the cross hatched area shown on Attachment 1, as community land following gazettal of the road closure.

4. 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 closure of part Cattle Road and sale to Lend Lease Communities (or nominee).

5. Allocate the net proceeds from the sale of the land noted in resolution 2 to the Tripoli Way Extension, Albion Park Bypass Project.

CARRIED UNANIMOUSLY

10.3 Community and Customers Directorate

10.3.1 Department of Planning and Environment proposed amendments to Shellharbour Local Environmental Plan 2013 to introduce Agritourism and small-scale agricultural development (11841473)

72 RESOLVED: Cr Davey/Cr Marsh

That Council:

1. Endorse the on-line submission prepared by Council staff (Attachment 1).

2. Commence the preparation of the Shellharbour Rural Strategy and seek to engage a suitable consultant during the 2021-2022 financial year with completion to occur during the 2022-2023 financial year.

CARRIED UNANIMOUSLY

10.4 Amenity and Assets Directorate

10.4.1 Electric Vehicle (EV) Charging Infrastructure Guidelines (11841281).

73 RESOLVED: Cr Petreski/Cr Graf

That:

1. Council endorse the Draft Electric Vehicle (EV) Charging Infrastructure Guidelines to be placed on public exhibition for a period of 28 days calling for submissions.

2. If any opposing submissions are received as a result of the public exhibition process, a further report be provided to Council for consideration.

3. Council adopt the Draft Electric Vehicle (EV) Charging Infrastructure Guidelines as attached to this report, if at the conclusion of the exhibition period no opposing submissions are received. Councillors will be informed of submissions for the proposal by memo.

CARRIED UNANIMOUSLY

11. Committee Recommendations

11.1 Recommendations from the Aboriginal Advisory Committee Meeting on 8 March 2022

74 RESOLVED: Cr Petreski/Cr Stefanovski

That the Recommendations from the Aboriginal Advisory Committee Meeting held on 8 March 2022 be adopted.

CARRIED UNANIMOUSLY

11.2 Recommendations from the Disability, Access and Inclusion Advisory Committee Meeting on 9 March 2022

75 RESOLVED: Cr Hamilton/Cr Graf

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

CARRIED UNANIMOUSLY

12. Items for Information

Nil.

13. Notices of Rescission/Alteration Motions

13.1 Notice of Rescission Motion - Councillors Petreski, Edwards and Hamilton (11848025)

MOTION: Cr Petreski/Cr Edwards

That Minute No. 37 in respect of Item No. 14.1 of the Ordinary Meeting of the Council held on 22 February 2022 be rescinded.

That Council receive a report from Council Officers on what the current status of all actions to deliver and fund a dredging feasibility study and sand scraping is, for parts of Lake Illawarra in the Shellharbour LGA.

During debate on this item Councillor Edwards moved a POINT of ORDER and asked if Councillor Marsh could clarify what she meant by 'hidden agenda'. The Mayor accepted the Point of Order and Councillor Marsh clarified her comments.

Councillor Davey requested a personal explanation, however this was not accepted by the Mayor as it was ruled out of order.

Councillor Petreski asked if Council knows what the soil quality is underneath the lake at the moment as he was particularly concerned about it being ecologically sound. He also asked if there were any concerns that large scale dredging could disturb these. The Acting Chief Executive Officer took the Question on Notice.

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

FOR VOTE - Mayor Homer, Cr Hamilton, Cr Edwards, Cr Gow, Cr Petreski, Cr Stefanovski
AGAINST VOTE - Cr Marsh, Cr Graf, Cr Davey

Alternate Motion

MOTION: Cr Petreski/Cr Edwards

That any further action on any proposed Dredging Feasibility Study be referred to the Lake Illawarra Coastal Management Program Implementation Group to be considered in conjunction with Wollongong City Council in relation to any future action proposed.

Councillor Marsh asked a question on whether her colleagues had read the Coastal Management Plan. Councillor Petreski stated through the Mayor that the question was out of order and the Mayor ruled the question of order.

During Councillor Petreski's Right of Reply, Councillor Davey moved a POINT of ORDER in relation to his comments about sedimentation of the lake. The Mayor did not accept the Point of Order and asked Councillor Petreski to continue his debate.

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

FOR VOTE - Mayor Homer, Cr Hamilton, Cr Edwards, Cr Gow, Cr Petreski, Cr Stefanovski
AGAINST VOTE - Cr Marsh, Cr Graf, Cr Davey

14. Notices of Motion

Nil.

15. Questions on 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 7.33pm