

**Minutes of the Ordinary Council Meeting
of Shellharbour City Council held in the Council Chambers,
Council Administration Centre, Shellharbour City Centre
on Tuesday, 28 November 2023 commencing at 6:00 PM**

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
Executive Director Corporate Services	S Bridgement
Executive Director Infrastructure Services	B Stewart
Executive Director Business Enterprises	W Peterson
Executive Director Community and Culture	K Jessep
Executive Director Planning and Environment	M Park
Executive Manager / Public Officer	F Lepouras
Executive Manager Financial Services (CFO)	J Hepperlin
Executive Manager Technology and Corporate Services	M Chiodo
Executive Manager Infrastructure and Projects	D Brilsky
Executive Manager Technical and Recreation Services	M Apollo
Executive Manager Marketing and Communications	C Killeen
Property Officer	A Celima
Senior Financial Accountant	L McCabe
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

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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 Ordinary Council Meeting 24 October 2023

173 RESOLVED Cr Kellie Marsh / Cr Moira Hamilton

That the Minutes of the Ordinary Council Meeting held on 24 October 2023 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

5 Disclosure of Interest

Councillor Marsh: Item 10.3.2 Requests for Sponsorship of Community Event - All Saints Anglican Church Traditional Christmas Carols Family Fun Day.

Nature of Interest: Councillor Marsh declared a Significant Non-Pecuniary Interest for this item as she is a parishioner of All Saints Anglican Church. Councillor Marsh will absent herself from the meeting during discussion of the matter.

Mike Archer: Item 14.1 Notice of Motion submitted by Cr Kellie Marsh - Chief Executive's Performance Review.

Nature of Interest: Mr Archer declared a Pecuniary Interest as he is the subject of the performance review. Mr Archer will absent himself from the meeting during discussion and voting on the matter.

6 Condolences

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

John Leonard Day	of	Albion Park
Giuseppe Masi	of	Albion Park
Helen Catherine (nee Tolhurst) Pyers	of	Albion Park
Dave Bousfield	of	Albion Park Rail
Ilias Tkiklos	of	Albion Park Rail
Gertrude Catherine (McDonald) Russell	of	Albion Park Rail
Norma Helen Roberts	of	Albion Park Rail
Verne Adrian Robinson	of	Albion Park Rail
George Baldacchino	of	Barrack Heights
Bruce Joseph Crawl	of	Lake Illawarra
Sandra Patricia Porter	of	Lake Illawarra
Leonard Victor (Len) Barnett	of	Mt Warrigal
Judith Irene May Lorenzo	of	Mt Warrigal
Raymond John Harlow	of	Mt Terry
Stanley Austin	of	Oak Flats
Zena Tuck	of	Shell Cove
Peter De Lucia	of	Warilla

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

7 Mayoral Statements / Report / Presentations

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

25 October	• CivicRisk Mutual Member Assembly and AGM
27 October	• ISJO Board Meeting
30 October	• On-site meeting – Con O’Keefe Park Albion Park
2 November	• UDIA Illawarra Luncheon
7 November	• Warilla High School Graduation
8 November	• The Personal Group event
	• Lunch with the Greater Cities Commission

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|----------------|---|
| 9 November | <ul style="list-style-type: none">• SEATS Meeting• Breakfast and Welcome for the 2023 Youth Summit |
| 10 November | <ul style="list-style-type: none">• WIN News Interview - Youth Summit• WIN News Interview - Sustainability Rebates Program• Shellharbour Public School - Beverley Whitfield Awards• Albion Park RSL Sub Branch Remembrance Day Service and Memorial Restoration Project Official Opening |
| 11 November | <ul style="list-style-type: none">• Marina Industries Official Opening of Shellharbour Marina |
| 12-14 November | <ul style="list-style-type: none">• NSW Local Government Conference held in Rosehill• Spotlight Albion Park Grand Opening |
| 15 November | <ul style="list-style-type: none">• Lake Walk & Talk at the Lake's Entrance and Surrounding Foreshore• Oak Flats Primary School - Beverley Whitfield Awards |
| 17 November | <ul style="list-style-type: none">• International Men's Day Luncheon |
| 19 November | <ul style="list-style-type: none">• i98 FM Illawarra Convoy |
| 20 November | <ul style="list-style-type: none">• LSLDH Local MP and Mayors Meeting• BlueScope Community Celebration• Illawarra Women's Health Centre Outdoor Xmas markets |
| 22 November | <ul style="list-style-type: none">• Blessing of St.Vinnies Shellharbour Shop• Country Women's Association of NSW - 60th Birthday Luncheon |
| 24 November | <ul style="list-style-type: none">• Visit by the Minister for Planning and Public Spaces the Hon. Paul Scully |
| 25 November | <ul style="list-style-type: none">• Albion Park White Eagles Presentation Night |

8 Mayoral Minutes

8.1 Mayoral Minute: Letter from Minister for Planning and Public Spaces regarding the housing crisis

175 RESOLVED Mayor Homer

That Council receive and note the letter from the NSW Minister for Planning and Public Spaces dated 30 October 2023.

CARRIED UNANIMOUSLY

9 Councillor Statements / Reports

Councillor Duffy-Moon outlined her attendance at the 2023 Rail Neighbourhood Association Inc. AGM.

Councillor Petreski outlined his attendance at the Youth Summit Breakfast and Welcome, Remembrance Day Service at Chisholm Park, Marina Industries Official Opening of Shellharbour Marina, NSW Local Government Conference and The Towards 2035 Securing our Workforce event.

Councillor Petreski congratulated Warilla Barrack Point Surf Live Saving Club members Bailey Krstevski, Jayden Allan and Jordan White on their recent sporting achievements.

Councillor Marsh outlined her attendance at the following events:

- Launch of Mayoress Giving Tree
- ABC and Wave FM interviews regarding Albion Park Master Plan (as acting Mayor)
- IMB Bank Community Foundation 2023 Recipient Announcement (on behalf of Mayor)
- ISJO Meeting
- Breakfast and Welcome for the 2023 Youth Summit
- Remembrance Day Service Albion Park RSL Memorial Club
- Marina Industries Official Opening of Shellharbour Marina
- NSW Local Government Conference, Man Walk - International Men's Day Luncheon (on behalf of Mayor)
- Convoy
- Calderwood Anglican College Beverley Whitfield Awards (on behalf of Mayor)
- MCCI Accelerate Theme Graduation Dinner (on behalf of Mayor)
- Visit by the Hon Paul Scully

The Addresses to Council Forum was held prior to the Council Meeting and there was one speaker on item 10.6.1 and one speaker on item 10.6.2.

Agenda Item No and Title	Page Ref	Name	For or Against
10.6.1. Development Application No. DAO0145/2023 Lot 1 SP70449 and Lot 2 SP70449, 1/49 George Street and 26A Little Lake Crescent, Warilla NSW 2528	141	1. Leon Kenny	For
10.6.2 Development Application No. DA0089/2023 – Lot 49 DP23432, 8 Antrim Avenue, Warilla 2528	149	1. Dr Judy Stubbs (Judith Stubbs and Associates)	Against

176 RESOLVED Cr Kellie Marsh / Cr John Davey

That Standing Orders be suspended in order for Items 10.6.1 and 10.6.2, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

10.6.1 Development Application No. DA0145/2023 – Lot 1 SP70449 and Lot 2 SP 70449, 1/49 George Street and 26A Little Lake Crescent, WARILLA NSW 2528

177 RESOLVED Cr Kellie Marsh / Cr Colin Gow

That:

1. Council refuses Development Application No. 0145/2023 - 1/49 George Street and 26A Little Lake Crescent, Warilla for the termination of existing two lot strata subdivision and creation of two lot Torrens title subdivision.
2. The following reasons for refusal be provided:
 - a. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate consistency with Shellharbour Local Environmental Plan 2013:
 - i. Clause 4.4 Floor Space Ratio; and
 - ii. Clause 4.6 Exceptions to development standards.

- b. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal fails to demonstrate consistency with the provisions of the Shellharbour Development Control Plan 2013:
 - i. Chapter 4 – Subdivision – Infill and Greenfield.
- c. Pursuant to the provisions of Section 4.15 (1) (a) (iv) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate that the buildings will be upgraded in accordance with regulation 64 of the Environmental Planning and Assessment Regulations 2021.
- d. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate that the likely impacts of the development will not be adverse.
- e. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate that the site is suitable for the development.
- f. Pursuant to the provisions of Section 4.15 (1)(d)&(e) of the Environmental Planning and Assessment Act, 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore, not in the public interest.

CARRIED UNANIMOUSLY

10.6.2 Development Application No. DA0089/2023 - Lot 49 DP 23432, 8 Antrim Avenue WARILLA 2528

178 RESOLVED Cr Kellie Marsh / Cr John Davey

That Council refuse Development Application No. 0089/2023, 8 Antrim Avenue, Warilla for the construction of a two storey, 16 x bedroom boarding house, associated car parking, communal areas and landscaping, for the following reasons:

1. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate consistency with State Environmental Planning Policy (Housing) 2021 and Shellharbour Local Environmental Plan 2013:
 - a. Section 25(1)(g) - Minimum lot size of the SEPP (Housing) 2021
 - b. Section 25(2)(a)(i) - Compatibility with the desirable elements of the character of the local area of the SEPP (Housing) 2021
 - c. Clause 4.6 - Exceptions to Development Standards of the SLEP 2013
2. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal fails to demonstrate consistency with the provisions of the Shellharbour Development Control Plan 2013:
 - a. Chapter 3 - Residential Development
 - b. Chapter 15 - Waste Minimisation and Management
 - c. Chapter 20 - Landscaping
3. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to adequately demonstrate that the likely impacts of the development will not be adverse.
4. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate that the site is suitable for the development.
5. Pursuant to the provisions of Section 4.15 (1)(d) &(e) of the Environmental Planning and Assessment Act, 1979, it is considered that having regard for the relevance of submissions received and in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore, not in the public interest.

CARRIED UNANIMOUSLY

179 RESOLVED Cr Kellie Marsh / Cr John Davey

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

10 Reports

Nil.

10.1 Chief Executive Officer

Nil.

10.2 Business Enterprises Directorate

Nil.

10.3 Community and Culture Directorate

10.3.1 Requests for Financial Assistance – Second Quarter Allocation 2023-2024

180 RESOLVED Cr John Davey / Cr Colin Gow

That Council provide financial assistance from the miscellaneous donations budget totalling \$2,500 to the following groups:

Organisation	Amount
Illawarra Environmental Education Centre	\$1,500 (in-kind as a voucher from Council's nursery)
Albion Park Little Athletics Centre Inc.	\$1,000 (cash)
Total	\$2,500

CARRIED UNANIMOUSLY

10.3.2 Requests for Sponsorship of Community Event - All Saints Anglican Church Traditional Christmas Carols Family Fun Day - Second Quarter Allocations 2023/2024

Councillor Marsh declared a Significant Non-Pecuniary Interest for this item and left the Chamber whilst this matter was being considered.

MOTION Cr Jacqui Graf / Cr John Davey

That Council provide sponsorship from the sponsorship budget to the total value of \$1,000 to the All Saints Anglican Church for the Traditional Christmas Carols Family Fun Day.

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

For Vote: Councillor Colin Gow, Councillor John Davey, Councillor Jacqui Graf

Against Vote: Cr Lou Stefanovski, Cr Rob Petreski, Cr Kellie Marsh, Cr Moira Hamilton, Mayor Homer

Councillor Marsh returned to the Chamber.

10.3.3 Requests for Sponsorship of Community Events - Second Quarter Allocations 2023/2024

Councillor Duffy-Moon asked if Council has funded the Vaudevillawarra Circus in the past. The Chief Executive Officer took the Question on Notice.

181 RESOLVED Cr John Davey / Cr Colin Gow

That Council:

1. Provide sponsorship from the sponsorship budget to the total value of \$6,300 to the following events:

Applicant	Event Details	Amount Requested	Recommendation
2023 Summer Fair	Provide a free community event focussing on uplifting and empowering young people and young	\$1,000	\$1,000 (cash) \$300 (in-kind)

	adults with or without disabilities		
Warilla Neighbourhood Centre	50 years Community Event Celebrations	\$5,000	\$2,500 (cash)
Corey Pickett	Vaudevillawarra - Circus, Comedy and Cabaret Show!	\$2,500	\$1,500 (cash) \$1,000 (in-kind)
Total			\$5,000 cash \$1,300 in-kind \$6,300 (total)

2. Remaining funds to be available for future sponsorship applications during 2023/2024.

CARRIED UNANIMOUSLY

10.4 Corporate Services Directorate

10.4.1 Your Ideas Our Actions First Quarter Review of the Delivery Program - Operational Plan 2023-2024

182 RESOLVED Cr Kellie Marsh / Cr John Davey

That Council adopt the:

1. Your Ideas, Our Actions – First Quarter Review of the Delivery Program/ Operational Plan 2023-2024 (July to September).
2. September 2023 Quarterly Budget Review with all recommended adjustments and strategies including the creation of a new internal restriction, “Sustainability Revolving Fund”, as outlined in the body of this report.

CARRIED UNANIMOUSLY

10.4.2 Monthly Investment Report - October 2023

183 RESOLVED Cr Jacqui Graf / Cr John Davey

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

October 2023.

CARRIED UNANIMOUSLY

10.4.3 Draft 2022-2023 Annual Financial Reports

184 RESOLVED Cr John Davey / Cr Kellie Marsh

That:

1. Council note the draft 2022/2023 Annual Financial Reports.
2. Council note that the previous draft 2022/2023 Annual Financial Reports were referred to audit at its meeting of 26 September 2023 and that audit has since been conducted.
3. Council approve the application of the signatures of the Mayor, Deputy Mayor, the Chief Executive Officer and the Responsible Accounting Officer to the General Purpose and Special Purpose Statements.
4. Council note that the audited Annual Financial Reports will then be reported back to Council for formal adoption as part of the Annual Report considerations at the Council meeting in December.

CARRIED UNANIMOUSLY

10.4.4 Delegations to the Chief Executive Officer

185 RESOLVED Cr Kellie Marsh / Cr Jacqui Graf

That Council endorse the following addition to Chief Executive Officer delegations:

"Liquor Licensee

Carry out the functions of a licensee under the *Liquor Act 2007* with respect to the Shell Cove Tavern (The Tavern at The Links Shell Cove), at Golf Drive, Shell Cove, in accordance with the conditions of the Hotel Liquor Licence."

CARRIED UNANIMOUSLY

10.4.5 Data Breach Policy and Privacy Management Policy and Plan

186 RESOLVED Cr John Davey / Cr Lou Stefanovski

That:

1. Council endorse the draft Data Breach Policy and amended Privacy Management Policy and Plan to be placed on public exhibition for a period of 28 days.
2. If no submissions are received as a result of public exhibition that require further consideration, that Council adopt the Data Breach Policy and Privacy Management Policy and Plan, as attached to this report.

This resolution is a policy position of Council.

CARRIED UNANIMOUSLY

10.4.6 Proposed Telecommunications Lease to Amplitel - Ron Costello Oval, Shellharbour

187 RESOLVED Cr Kellie Marsh / Cr John Davey

That

1. Council endorse the lease to Amplitel Pty Limited for the occupation of part Ron Costello Oval, Shellharbour, to be placed on public exhibition for a period of 28 days.
2. If no submissions are received as a result of public exhibition that require further consideration, that Council approve the lease to Amplitel Pty limited for occupation of part Ron Costello Oval, Shellharbour for a period of two consecutive five-year terms at a commencing rental of \$20,836 excluding GST per annum with CPI increases to be applied annually thereafter and a market rent review at the commencement of the second lease term.

3. The Chief Executive Officer, or their nominated delegate, be authorised to sign all documentation, under Council Seal, associated with lease to Amplitel Pty Limited for the occupation of part Ron Costello Oval, Shellharbour.

CARRIED UNANIMOUSLY

10.4.7 Reserve Naming Lot 6119 DP1262014 Shell Cove

188 RESOLVED Cr Jacqui Graf / Cr John Davey

That

1. Council endorse the draft reserve name Mainsail Park for Lot 6119 DP1262014 and for the naming proposal to be placed on public exhibition for a period of 28 days.
2. If no submissions are received as a result of public exhibition that require further consideration, that Council adopt the reserve name Mainsail Park and submit the name to Geographical Names Board of NSW for its consideration and subsequent advertising and gazetting.

CARRIED UNANIMOUSLY

10.4.8 Acquisition of Land Policy

189 RESOLVED Cr Kellie Marsh / Cr John Davey

That:

1. Council endorse the draft Acquisition of Land Policy to be placed on public exhibition for a period of 28 days.
2. If no submissions are received as a result of public exhibition that require further consideration, that Council adopt the Acquisition of Land Policy, as attached to this report.

This resolution is a policy position of Council.

CARRIED UNANIMOUSLY

10.5 Infrastructure Services Directorate

10.5.1 Bass Point Reserve Conservation Management Plan

190 RESOLVED Cr Jacqui Graf / Cr John Davey

That:

1. Council endorse the draft Bass Point Reserve Conservation Management Plan to be placed on public exhibition for a period of 28 days.
2. If no submissions are received as a result of public exhibition that require further consideration, that Council adopt the Bass Point Reserve Conservation Management Plan, as attached to this report.

This resolution is a policy position of Council.

CARRIED UNANIMOUSLY

10.5.2 Cottage and tennis facility within Croom Regional Sports Complex

191 RESOLVED Cr John Davey / Cr Lou Stefanovski

That Council demolish the unused Croom Caretaker's Cottage and tennis facility, located at 50 Croome Road, Croom being Lot 302 DP 1223037, Croom Regional Sports Complex, at an estimated cost of approximately \$65,000. A budget adjustment will be proposed at the December Quarterly Budget Review.

CARRIED UNANIMOUSLY

10.5.3 Fencing of Playspaces

192 RESOLVED Cr Kellie Marsh / Cr John Davey

That Council resolve to include playground fencing within the Draft 2024/25 Capital Works Program.

CARRIED UNANIMOUSLY

10.5.4 Active Transport Strategy

193 RESOLVED Cr John Davey / Cr Colin Gow

That:

1. Council endorse the draft Active Transport Strategy (Attachment 1) to be placed on public exhibition for a period of 28 days.
2. If no submissions are received as a result of public exhibition that require further consideration, that Council adopt the Active Transport Strategy (Attachment 1), as attached to this report.

CARRIED UNANIMOUSLY

10.6 Planning and Environment Directorate

10.6.3 Resubmitted Report - Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park

194 RESOLVED Cr Kellie Marsh / Cr Moira Hamilton

That:

1. Council endorse the draft Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park to be placed on public exhibition for a period of 28 days.
2. If no submissions are received as a result of public exhibition that require further consideration, that Council adopt the draft Master Plan for Con O'Keefe and Russell Street Precinct, Albion Park, as attached to this report.

CARRIED UNANIMOUSLY

195 RESOLVED Cr John Davey / Cr Robert Petreski

That the meeting be adjourned for 5 minutes.

CARRIED UNANIMOUSLY

Meeting adjourned at 8.04pm
Meeting resumed at 8.09pm

10.6.4 Proposed Draft Voluntary Planning Agreement: Traffic Lights and Roadworks at Church Street and Tongarra Road, Albion Park

196 RESOLVED Cr Maree Duffy-Moon / Cr Colin Gow

That Council:

1. Endorse the attached draft Voluntary Planning Agreement and Explanatory Note between Shellharbour City Council and Balmoral Parade Pty Limited (as contained in Attachments 4 and 5 of this report), which provides for a funding mechanism to deliver traffic lights and associated roadworks at the intersection of Church Street and Tongarra Road, Albion Park and place it on public exhibition for a period of 28 days.
2. Agree that following the completion of the exhibition period, the draft Voluntary Planning Agreement is adopted by Council without the need for a further report, provided that no submissions of objections are received during the exhibition period, and no substantial changes are made post exhibition that affect the operation of the Agreement, or the benefits to be received.
3. Agree to the mechanism for funding the lights as described in the report, and which involves:
 - a. the use of all money collected from developers (External Restriction) as Section 7.11 contributions specifically to fund this item (Item C3.12 in the Infrastructure Works Plan of Council's Section 7.11 Plan) and which totalled \$389,721 at June 2023;
 - b. an amount of \$875,000 that is to be transferred from Council's Section 7.11 Reserve (External Restriction) Item C3.07 - the East West Link;
 - c. the use of \$125,000 (to be indexed to the day of payment), which is Council's apportioned Section 7.11 contribution.
4. Delegates to the Chief Executive Officer the authority to sign the Planning Agreement on behalf of Council.

This resolution is a policy position of Council.

CARRIED UNANIMOUSLY

10.6.5 Revised Terms of Reference for the Lake Illawarra Coastal Management Program Implementation Group

197 RESOLVED Cr John Davey / Cr Kellie Marsh

That Council endorse the revised Terms of Reference for the Lake Illawarra Coastal Management Program Implementation Group.

CARRIED UNANIMOUSLY

10.6.6 Animal Impounding Service

198 RESOLVED Cr Moira Hamilton / Cr Kellie Marsh

That Council:

1. Delegate to the Chief Executive Officer or their nominated delegate the authority to negotiate terms and variations and execute a contract with Provider A for the delivery of Council's animal impounding and management services from April 2024.
2. 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

11 Committee Recommendations

11.1 Disability Access and Inclusion Advisory Committee Meeting 4 October 2023

199 RESOLVED Cr Moira Hamilton / Cr Jacqui Graf

That the minutes from the Disability Access and Inclusion Advisory Committee Meeting held on 4 October 2023 be received and endorsed.

CARRIED UNANIMOUSLY

11.2 Traffic Committee Meeting 1 November 2023

200 RESOLVED Cr Maree Duffy-Moon / Cr John Davey

In accordance with the delegated authority to Council, that the minutes and recommendations as listed below of the Traffic Committee Meeting held on 1 November 2023 be adopted:

8.1 Barrack Avenue, Barrack Heights - Conversion of Bus Stop to Timed Bus Zone

That Council approve the installation of one timed restricted 'Bus Zone' along the southern alignment of Barrack Avenue, Barrack Heights (as shown in Attachment 2).

8.2 Keross Avenue, Warilla - No Parking 8:00-9:30am and 2:30-4:00pm School Days

That Council approve the installation of a 'No Parking' zone '8:00-9:30 and 2:30-4:00 School Days', along the northern alignment of Keross Avenue, Warilla, between Sammat Avenue and Shellharbour Road (as shown on Attachment 1).

8.3 McCabe Street, Warilla North Public School - Removal of Flag Crossing

That Council approve the removal of the Flag Crossing facility and associated linemarking on McCabe Street, north of Hill Street, Warilla (as shown on Attachment 1).

8.4 Reddall Parade, Lake Illawarra - Installation of No Stopping Zone

That Council approve the proposed installation of a 'No Stopping' zone and associated linemarking along Reddall Parade, Lake Illawarra (as shown in Attachment 2).

8.5 Central Avenue at Fisher Street, Oak Flats- Proposed Parking Amendments.

That Council approve the proposed amendments to the kerbside parking on Central Avenue and Fisher Street, Oak Flats (as shown on Attachment 1) subject to the installation of a footpath to be constructed on the south-west section of Fisher Street to support the proposed loading zone.

Late Item

8.6 Allens Lane, Shellharbour Village Carpark-Temporary Partial Closure for Sewer Diversion Works (Attachment 1)

That Council approve the temporary partial closure of the Allen's Lane carpark subject to the following conditions:

1. The applicant must inform all residents/businesses who may be impacted by this temporary closure, including all businesses within the Shellharbour Village bounded by Addison, Mary and Wentworth Streets, at least seven days and then one day before the closure via a letterbox drop. This letter box drop should be extended to the local nearby school.
2. The applicant must supply and erect any barriers and traffic signs necessary for the road closure as stipulated by the approved Traffic Control Plan (TCP) and remove them at the completion of the works.
3. A suitable Vehicle Movement Plan must be submitted to Council prior to any works commencing to ensure no trucks enter the eastern end of the carpark. All truck must also avoid the low tree canopy at all times.
4. Council must be indemnified against all claims for damage or injury that may result from either the activities or from the occupation of part of the public way during the activities. A copy of Public Liability Insurance Cover to the value of \$20,000,000 shall be provided to Council prior to the event and Council must be listed as in interested party on the insurance.
5. Council must be reimbursed for the cost of repair of any damage caused to Council property as a result of the activities.
6. Shellharbour City Council reserves the right to cancel this approval at any time.
7. Should the temporary closure not occur on the approved date due to extenuating circumstances, Council's Executive Manager Technical and Recreational Services be authorised to alter the approved date.

CARRIED UNANIMOUSLY

12 Items for Information

12.1 Christmas and New Year Closure of Council Operations 2023 - 2024

The Item for Information was formally noted.

13 Notices of Recission / Alteration Motions

Nil.

14 Notices of Motion

14.1 Notice of Motion submitted by Cr Kellie Marsh

The Chief Executive Officer declared a Significant Non-Pecuniary Interest for Item 14.1 and left the Chamber whilst this matter was being considered.

201 RESOLVED Cr Kellie Marsh / Cr John Davey

That:

1. subsequent to the consideration of the Chief Executive Officer's twelve month performance review at its meeting on 24 October 2023, Council formally thank Mr Archer for his exceptional service and for the positive direction that he is taking the Council on. Further, that acknowledgement of the performance and service provided by Mr Archer over the last twelve months be considered.
2. Council resolve into Committee of the Whole (Confidential Session) to discuss this matter under section 10A(2)(a) of the Local Government Act 1993.

CARRIED 5/4

For Vote - Mayor Homer, Councillor Kellie Marsh, Councillor John Davey, Councillor Colin Gow, Councillor Jacqui Graf

Against Vote - Councillor Maree Duffy-Moon, Councillor Moira Hamilton, Councillor Rob Petreski, Councillor Lou Stefanovski

202 RESOLVED Cr Robert Petreski / Cr Kellie Marsh

That standing orders be suspended for Items 18, 19 and 20 to be considered here in the agenda.

CARRIED UNANIMOUSLY

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

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

Set out below is Section 10A(2) of the Local Government Act 1993, in relation to Confidential Business:

10A(2) Which parts of a meeting can be closed to the public? The matters and information are the following:

- (a) personnel matters concerning particular individuals,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

14.1 Notice of Motion submitted by Cr Kellie Marsh

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- a. personnel matters concerning particular individuals

This matter has been classified as confidential under Section 10A(2)(a) of the Local Government Act 1993 as it relates to the General Manager's performance review as a personnel matter and is in accordance with the Guidelines for the Appointment and Oversight of General Managers issued by the Office of Local Government (guidelines under Section 23A of the Local Government Act 1993). The report will not be declassified.

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

As there were no members of the gallery present in the Chamber the Mayor called for a Mover and Seconder to move into Committee of the Whole in Closed Session to consider item 14.1.1.

203 RESOLVED Cr Robert Petreski / Cr Kellie Marsh

1. That Council resolve into Committee of the Whole (in Confidential Session) to consider the above business as listed.
2. That pursuant to Section 10A(9s) of the *Local Government Act 1993*, the press and public be excluded from the proceedings on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2)(a) of the Act as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the press and public in accordance with Section 11(2) of the *Local Government Act*.

CARRIED UNANIMOUSLY

Meeting adjourned at 8.31pm

Meeting resumed 9.21pm

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

The following Recommendation to Council from the Committee of the Whole in Closed Session was read to the Meeting by the Executive Manager Corporate Governance and Risk:

14.1 Notice of Motion submitted by Cr Kellie Marsh

COMMITTEE RECOMMENDATION:

That Council:

1. Reaffirm the acknowledgement of the performance and service provided by Mr Archer over the last twelve months.
2. Having reviewed the relevant information and recommendations from the Chief Executive Officer's Performance Review Panel and subsequent discussion, that Council grant a 5% discretionary performance increase to the Chief Executive Officer Mr Michael Archer for the twelve month period commencing in September 2023.

204 RESOLVED Cr Kellie Marsh / Cr John Davey

The Recommendations to Council from the Committee of the Whole held earlier today be adopted.

CARRIED 5/4

For Vote - Mayor Homer, Cr Kellie Marsh, Cr John Davey, Cr Colin Gow, Cr Jacqui Graf

Against Vote - Cr Maree Duffy-Moon, Cr Moira Hamilton, Cr Rob Petreski, Cr Lou Stefanovski

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)

Considered earlier in the meeting.

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

Considered earlier in the meeting.

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

Considered earlier in the meeting.

Meeting closed 9.33pm