

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 29 November 2011

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 29 November 2011 commencing at 6.31 pm**

Present

Mayor	K Marsh
Deputy Mayor	M Saliba
Councillor	D Boyle
Councillor	H Stewart
Councillor	J Murray
Councillor	P Moran
Councillor	P Rankin

In attendance

General Manager	M Willis
Director of City Outcomes	C McIntyre
Director Corporate Policy	L Furness
Director Shellharbour Enterprises	B Green
Group Manager Finance	T Gearon
Group Manager Development & Technical Services	M Boenisch
Shell Cove Commercial Manager	K James
Manager Executive Services / Public Officer	F MastroDomenico
Manager Financial Services	P Henderson
Manager Development & Regulation Services	G Meredith
Manager Property	D Flanagan
Executive Assistant	D Arney
Executive Assistant	L Davey
Media Officer	C Lewis

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1. Acknowledgement to Country

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting and pays its respects to Elders past and present.

Webcasting Statement

The Mayor read the usual advice regarding the webcasting of the meetings of the Council.

2. Confirmation of Minutes

2.1 Ordinary Meeting 8 November 2011

238 RESOLVED: Saliba/Rankin

That the Minutes of the Ordinary Council Meeting held on 8 November 2011 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

ABSENT. DID NOT VOTE: Cr Boyle

3. Apologies / Leave of Absence

The Mayor noted that Cr Boyle advised that he was running a few minutes late

4. Confidential Business (Committee of the Whole)

Nil

5. Pecuniary Interest and Conflict of Interest Declarations

Note: Councillors who declare a Pecuniary Interest at the Council Meeting are also required to complete a Pecuniary Interest Declaration form.

Councillor Marsh: Item 11.1.4 Provision of Financial Assistance by Council

Nature of Interest: Councillor Marsh declared a Non-pecuniary Interest in this item as her son currently attends Warilla High School and the Council was adopting a \$200 donation recommendation.

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6. Condolences

The Council acknowledged the following deaths in the Local Government area.

Mrs Ensi Edla Sofia Okkonen (Minkkinen)	of	Albion Park
Mr Ronald Charles Rudd	of	Albion Park
Mr Johan Gulpers	formerly of	Albion Park
Mrs Cheryl Lorraine Dixon	of	Albion Park Rail
Mrs Brenda Gilroy	of	Barrack Heights
Mrs Dorothy Norma Jones	of	Barrack Point
Mrs Tania Maras (Nee Rossi)	of	Flinders
Mrs Jean Hazelton	of	Oak Flats
Mrs Joan Weekes	of	Shellharbour
Mrs Patricia Florence Walsh	of	Shellharbour
Mr Robert Leslie Turner	of	Warilla
Mr William Strong McKane	of	Warilla
Mr Douglas Warwick Rix	formerly of	Warilla
Mrs Helena Godlewski	formerly of	Warilla
Mrs Irene Myrtle Phillips	formerly of	Yellow Rock

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

7. Addresses to Council

The General Manager addressed the Meeting with regards to the Notice of Motion submitted by Cr Moran.

Cr Moran MOVED a POINT of ORDER that both Regulation 240 of Local Government General Regulation and Council's Code of Meeting Practice part 9.14.5 have similar intent and questioned the General Manager's ability to bring this matter up at this point in the meeting. Cr Moran suggested that the General Manager should have not included the matter or provided councillors advice with the agenda.

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6.46pm Cr Boyle here entered the Meeting

The Mayor ruled against Cr Moran's Point of Order

Cr Moran MOVED a MOTION of DISSENT from the Mayor's ruling that the POINT of ORDER was out of order.

The MOTION on being PUT to the Meeting was LOST 2/5

For: Stewart, Moran

Against: Murray, Rankin, Boyle, Saliba, Marsh

Agenda Item No & Title	Name
11.1.1 2011-12 First Quarter Review of the Operational Plan and Budget (9615077)	Sonya McKay
11.3.2 Proposed Agreement to Lease and Lease Agreement between Council and Australian Air Force Cadets (AAFC): Illawarra Regional Airport (9612409)	Sonya McKay

240 RESOLVED: Stewart/Marsh

That Ms McKay be given an additional one minute to conclude her Address to Council

CARRIED UNANIMOUSLY

Agenda Item No & Title	Name
15.1 Notice of Motion submitted Cr Peter Moran	James Egan Harry Gooden Joan Vinton Kelly Roode Ray Clay Sonya McKay

8. Mayor's Statements / Reports / Presentations

Nil

9. Councillors' Reports

9.1 Councillor Report: Support for the Productivity Commission's Report into Long-Term Care and Support for Australians with Disability, through the National Disability Insurance Scheme (9619417)

241 RESOLVED: Saliba/Murray

That Council:

1. Support the National Disability Insurance Scheme (NDIS) by:
 - a) Expressing support on Council's Website with a link to www.everyaustraliancounts.com.au
 - b) Join other councils and register on Every Australian Counts website as an organisational supporter
 - c) Encourage Councillors, Council staff and residents of Shellharbour City to show support for the NDIS by registering their support on www.everyaustraliancounts.com.au
 - d) Display posters and promotional material for NDIS at the Council Office Reception
2. Write to all Shellharbour State and Federal Members of Parliament calling for bipartisan support for the National Disability Insurance Scheme.
3. That Mayor and Deputy Mayor write to the Prime Minister and opposition leader and State Minister for bipartisan support for the NDIS.

CARRIED UNANIMOUSLY

10. Mayoral Minutes

Nil

11. Reports

11.1 General Manager

11.1.1 2011-12 First Quarter Review of the Operational Plan and Budget (9615077)

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242 RESOLVED: Murray/Rankin

1. That the Quarterly Review of the Operational Plan for the quarter ended September 2011 be received noted and endorsed.
2. That Council adopt the September 2011 Quarter Budget Review with all recommended adjustments as contained in this report resulting in a revised unrestricted cash deficit for the year ended 30 June 2012, of \$41,049.
3. That the grant listed in the New Items section of this report be accepted.

CARRIED UNANIMOUSLY

11.1.2 Monthly Investment Report (9612437)

243 RESOLVED: Saliba/Murray

That Council receive and note the attached Investment Portfolio reports, as at 31 October 2011.

CARRIED UNANIMOUSLY

11.1.3 Christmas / New Year Closure of Council Operations (9608171)

244 RESOLVED: Saliba/Stewart

That this report be received and noted, specifically including the closure of Council Library services.

CARRIED UNANIMOUSLY

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11.1.4 Provision of Financial Assistance by Council (9605338)

MOTION: Moran/Boyle

1. That Council continue to set the policy for financial assistance under S 356 of the Local Government Act (1993).
2. That a Donations Working Party consisting of:
Group Manager Community Services,
Corporate Meetings Officer,
Group Manager Finance,
Manager Waste Services (as required),
be established to consider applications and recommend Council donations.
3. That Council receive a quarterly report from the Working Party, of donations recommended for consideration and approval.

The MOTION on being PUT to the MEETING was LOST 3/4

FOR VOTE - Cr Boyle, Cr Moran, Cr Murray

AGAINST VOTE - Cr Saliba, Cr Rankin, Cr Stewart, Cr Marsh

245 RESOLVED: Saliba/Rankin

1. That Council continue to set the policy for financial assistance under S 356 of the Local Government Act (1993).
2. That a Donations Working Party consisting of:
 - Group Manager Community Services,
 - Corporate Meetings Officer,
 - Group Manager Finance,
 - Manager Waste Services (as required),
 - Two Councillor representativesbe established to consider applications and recommend Council donations.
3. That Council receive a quarterly report from the Working Party, of donations recommended for consideration and approval.
4. That Council's two Councillor nominees be Councillors Saliba and Rankin

CARRIED UNANIMOUSLY

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11.2 City Outcomes Directorate

11.3 Corporate Policy Directorate

11.3.1 Requests for Donation (9609436)

246 RESOLVED: Saliba/Rankin

1. That Council make the following donations/contributions totalling \$2,750
 1. Illawarra Aboriginal Medical Service
 - Country Bike Tour (Wollongong to Walgett) to promote the Service (Funding subject to the tour proceeding) \$500.00
 2. Greenacres Disability Services
 - Entry & use of Oak Flats heated pool for clients over summer up to \$300.00
 3. Shellharbour City Rowing Club
 - New sculling oars \$800.00
 4. Warilla High School
 - Towards presentation night awards for students \$200.00
 5. RSPCA Illawarra
 - Reimbursement for Local Approval Fee for Million Paws Walk \$200.00
 6. Illawarra Wheelchair Basketball
 - Reimbursement of costs for use of Shellharbour Stadium for Slam Down Under event \$750.00
2. That Council note the allocation of \$10,000 against the Donations Budget, for expenses relating to the Camp Quality Convoy.

CARRIED UNANIMOUSLY

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11.3.2 Proposed Agreement to Lease and Lease Agreement between Council and Australian Air Force Cadets (AAFC): Illawarra Regional Airport (9612409)

247 RESOLVED: Saliba/Rankin

1. That Council rescind its resolution (Resolution Number 1232) of 13 December 2005;
2. That Council enter into an agreement to lease and lease agreement for the occupation of Lot 702 DP 1102696 with the Australian Defence Force Cadets at a nominal annual rental of \$100.00 plus GST for a term of twenty two (22) years.

CARRIED UNANIMOUSLY

11.3.3 Adoption of draft policy: Use of Public Reserves by Commercial Fitness Groups and Personal Trainers (9601595)

248 RESOLVED: Boyle/Moran

That the amended policy entitled "Use of Public Reserves by Commercial Fitness Groups and Personal Trainers" attached to this report be adopted by Council.

CARRIED UNANIMOUSLY

11.4 Shellharbour Enterprises Directorate

11.4.1 Shell Cove Quarterly Report (9612642)

249 RESOLVED: Murray/Saliba

That the quarterly report for the period from 22 August 2011 to 20 November 2011 for the Shell Cove Project be received and noted.

CARRIED UNANIMOUSLY

12. Committee Recommendations

12.1 Recommendations from the Traffic Committee Meeting held 2 November 2011 recommended for adoption.

250 RESOLVED: Saliba/Stewart

That the Recommendations from the Traffic Committee Meeting held of 2 November 2011 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

Nil

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

15.1 Notice of Motion submitted Cr Peter Moran

The General Manager addressed the Meeting on this item.

251 RESOLVED: Saliba/Murray

1. That this matter be withdrawn from the Agenda of the Council meeting on 29 November and further that the Council discuss this matter at the Public Councillor Briefing session on 20 December 2011 with a view to a report being presented to the Council in the New Year.
2. That Council Officers conduct economic modelling to provide further information to Council at the Briefing.

Cr Murray MOVED a POINT of ORDER that Cr Moran only debate the Motion that is before the meeting. The Mayor accepted the Point of Order and asked that Cr Moran only debate the Motion before the Council.

Cr Murray MOVED a POINT of ORDER that Cr Moran should not make assumptions on what Councillors have or have not read or done, nor should

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councillors be questioned on what they have or have not read when Cr Moran should be debating the Motion before the Council. The Mayor accepted the Point of Order and asked Cr Moran to limit the debate to the Motion before the Council.

Cr Murray MOVED a POINT of ORDER that Cr Moran was attacking the integrity of the General Manager. The Mayor accepted the Point of Order.

The MOTION on being PUT to the Meeting was CARRIED 4/3

FOR VOTE - Cr Boyle, Cr Saliba, Cr Murray, Cr Rankin

AGAINST VOTE - Cr Moran, Cr Stewart, Cr Marsh

16. Questions on Notice (must be submitted in writing)

Nil

17. Urgent Business

252 RESOLVED: Moran/Rankin

1. That Council, as a matter of urgency, write to the Division of Local Government seeking guidance as to the legality of of the motion contained in Item 15.1 on the Business Paper of the Council meeting held on 29/11/2011.
2. That any such advice be immediately circulated to all Councillors when it is received.
3. That any such advice be the subject of a report to Council the first meeting after it is received.

CARRIED UNANIMOUSLY

18. Committee of the Whole in Closed Session: Adjournment

Nil

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

Nil

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20. Consideration of Motions to Declassify Reports Considered in Closed Session

Nil

Meeting closed 9.31 pm