

# SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 28 February 2012

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**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Council Administration Centre  
Shellharbour City Centre  
on Tuesday 28 February 2012 commencing at 6.30 pm**

## Present

Mayor	K Marsh
Deputy Mayor	M Saliba
Councillor	D Boyle (arrived at 6.42pm)
Councillor	H Stewart
Councillor	J Murray
Councillor	P Moran
Councillor	P Rankin

## In attendance

General Manager	M Willis
Director City Outcomes	C McIntyre
Director Corporate Policy	L Furness
Director Shellharbour Enterprises	B Green
Group Manager Infrastructure Services	M Boenisch
Group Manager Finance	T Gearon
Group Manager City Strategy	G Hoynes
Group Manager City Development	G Meredith
Group Manager Works & Services	C Watt
Manager Executive Services / Public Officer	F MastroDomenico
Waste Manager	N Feneley
Manager Recreation	M Fields
Manager Property Services	D Flanagan
Manager Financial Services	P Henderson
Management Accountant	P Macquire
Section 94 Accountant	M Ballinger
Corporate Planning Accountant	M Ledwos
Corporate Planning Officer	S Farnham
Media Officer	C Lewis
Executive Assistant	L Davey
Executive Assistant	T Mattila

**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 7 February 2012**

27 RESOLVED: Saliba/Stewart

That the Minutes of the Ordinary Council Meeting held on 7 February 2012 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

**3. Apologies / Leave of Absence**

**Ordinary Council Meeting**

An apology was tendered on behalf of Councillor Boyle as he was delayed due to traffic and would be arriving late for the meeting.

28 RESOLVED: Saliba/Stewart

That the apologies as tendered be accepted.

CARRIED UNANIMOUSLY

**4. Confidential Business (Committee of the Whole)**

Nil

**5. Pecuniary Interest and Conflict of Interest Declarations**

Nil

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### 6. Condolences

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

Mrs Teresa (Anna) Coletta	of	Albion Park
Mrs Rennelle Russell	of	Albion Park
Mr Dennis Breeze	of	Albion Park
Mr Brian Anthony Griffiths	of	Albion Park Rail
Mrs Joan Gale	of	Albion Park
Mrs Nancy Phillis	of	Barrack Heights
Mrs Carolyn Priscilla Anderson	of	Flinders
Mr Ernesto Isabella-Valenzi	of	Lake Illawarra South
Mr Louis Needham	of	Mt Warrigal
Mrs Marie Hutley	of	Oak Flats
Mr Frank Charles Dunn	of	Oak Flats
Mr Heinrich Sierszen	of	Oak Flats
Mrs Lucy Kaye	of	Warilla
Mr Wayne Sheedy	of	Warilla
Mrs Valerie Ruby Whiteman	of	Warilla

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

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### 7. Addresses to Council

Agenda Item No & Title	Name
11.1.1 Financial Strategy - Some Preliminary Thoughts	Sonya McKay
11.2.1 Wind Farms and Wind Turbines	Sonya McKay
11.3.2 Swimming Pools Fees & Charges	Sonya McKay
11.3.3 Sportsfields Fees & Charges	Manuel Paniagua - Warilla Wanderers

Councillor Stewart requested that Ms Sonya McKay be given an extension of time to conclude her Address to Council on Item 11.1.1 and all Councillors agreed to this request.

Councillor Boyle arrived here at the meeting at 6.42 pm.

Councillor Moran MOVED a POINT of ORDER during Ms McKay's address to the Council on Item 11.2.1 that the Mayor should not draw Ms McKay back to the topic and that she should be able to construct her argument as she sees fit. The Mayor accepted the POINT of ORDER.

Councillor Stewart asked the Mayor to clarify the rules for Addresses to Council in relation to speaking only on items listed on the agenda and suggested that Council continue to abide by the rules it has set. The Mayor concurred with Councillor Stewart's comments.

The Mayor requested that Mr Manuel Paniagua be given an extension of time to conclude his Address to the Council on Item 11.3.3 and all Councillors agreed to this request.

30 RESOLVED: Saliba/Rankin

That standing orders be suspended in order for Items 11.1.1, 11.2.1, 11.3.2 and 11.3.3, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

**11. Reports**

**11.1 General Manager**

**11.1.1 Financial Strategy - Some Preliminary Thoughts (9661530)**

31 RESOLVED: Murray/Rankin

1. That the report be received.
2. That the Council endorse the Financial Strategies set out below:
  - (a) Recurring income must exceed recurring expenditure.
  - (b) Each of the Council's service delivery activities is to be cost and quality competitive.
  - (c) Asset renewal must have a higher priority than the creation of new assets, all things being equal.
  - (d) Capital investment (expenditure) to be financed from reserves, grants, contributions, and loans where appropriate.
  - (e) Optimise returns from the Council's commercial holdings.
3. That the Council endorse the Actions detailed in paragraphs 4.1-4.5 in the General Manager's report.

CARRIED UNANIMOUSLY

**11.2 City Outcomes Directorate**

**11.2.1 Wind Farms and Wind Turbines (9661945)**

32 RESOLVED: Saliba/Rankin

That Council endorse the submission attached at the end of this report and forward it to the NSW Department of Planning and Infrastructure by 14 March 2012.

Councillor Rankin MOVED a POINT of ORDER during Cr Saliba's address that the word "ban" was not included anywhere in the resolution from the last Council Meeting. The Mayor accepted the POINT of ORDER.

CARRIED UNANIMOUSLY

**11.3 Corporate Policy Directorate**

**11.3.2 Swimming Pool Fees and Charges (9662535)**

NOTE: It was noted that the "South Coast & Tablelands Swimming Association" should read "South Eastern Swimming Association" on page 70 of the business paper.

33 RESOLVED: Saliba/Murray

1. That Council appoint four delegates to the Sport and Recreation Working Party.
2. The Working Party commence a review of fees for cold water pools and undertake public consultation with a view of implementing a day pass system and other concessions making any changes in the 2012/13 budget.

Councillor Moran proposed the following addition to the Motion, which was not accepted by the Mover:

That local swimming clubs be included on the Sport and Recreation Working Party.

CARRIED UNANIMOUSLY

34 RESOLVED: Saliba/Rankin

That the Mayor, Councillor Saliba, Councillor Stewart and Councillor Boyle be the Councillor delegates to the Sport and Recreation Working Party.

CARRIED UNANIMOUSLY

**11.3.3 Sportsfield Fees and Charges (9662545)**

35 RESOLVED: Saliba/Stewart

1. That Council reaffirm the appointment of the four Councillor delegates in Item 11.3.2 of this meeting to the Sport and Recreation Working Party.
2. The Working Party commence a review of fees for Pools & Sportsfields and undertake public consultation with a view of making any changes in the 2012/13 budget.

CARRIED UNANIMOUSLY

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36 RESOLVED: Saliba /Murray

That the meeting recess for 5 minutes.

CARRIED UNANIMOUSLY

**Meeting adjourned at 7.51 pm**

**Meeting resumed at 7.59 pm**

### **8. Mayor's Statements / Reports / Presentations**

Nil

### **9. Councillors' Reports**

Nil

### **10. Mayoral Minutes**

Nil

### **11. Reports**

#### **11.1 General Manager**

##### **11.1.1 Financial Strategy - Some Preliminary Thoughts (9661530)**

This item was considered following Addresses to Council (refer to resolution No. 31).

##### **11.1.2 2011-12 Second Quarter Review of the Operational Plan and Budget (9661028)**

37 RESOLVED: Murray/Boyle

1. The Quarterly Review of the Operational Plan for the quarter ended December 2011 be received noted and endorsed.
2. Council adopt the December 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 \$48,175.
3. That Council accept the Roads & Maritime Services' (RMS) offer of \$32,000 for the Regional Roads Repair Program 2011/12 for use on Council's regional road, Terry Street / Jamberoo Road, Albion Park.

CARRIED UNANIMOUSLY

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### **11.1.3 2010 - 2015 First Biannual Review of the Delivery Program (1 July - 31 December 2011) (9661932)**

38 RESOLVED: Rankin/Saliba

That the Biannual Review of the Delivery Program for the period of 1 July to 31 December 2011 be received and endorsed.

CARRIED UNANIMOUSLY

### **11.1.4 Monthly Investment Report (9661599)**

39 RESOLVED: Murray/Stewart

That Council receive and note the attached Investment Portfolio report, as at 31 January 2012.

CARRIED UNANIMOUSLY

## **11.2 City Outcomes Directorate**

### **11.2.1 Wind Farms and Wind Turbines (9661945)**

This item was considered following Addresses to Council (refer to resolution No. 32).

### **11.2.2 Proposed Review Of All Licences To Operate Caravan Parks In The Shellharbour Local Government Area (9657482)**

40 RESOLVED: Saliba/Rankin

1. That the Council adopt the 9 Point Interim Strategy to Caravan Park Licence Renewals.
2. That the Council incorporate the Interim Strategy into the Section 68 Approval To Operate a Caravan Park, as each local approval expires until the Floodplain Risk Management Plan is developed.
3. That the Council require items 6-9 to be completed within three months of the new Licence Renewal being issued by Council with six months for the initial audits.

CARRIED UNANIMOUSLY



**11.3 Corporate Policy Directorate**

**11.3.1 Submission on Improving the Governance of Residential Parks (9662631)**

41 RESOLVED: Rankin/Murray

That Council endorse the submission and that the submission be forwarded to the Office of Fair Trading.

CARRIED UNANIMOUSLY

**11.3.2 Swimming Pool Fees and Charges (9662535)**

This item was considered following Addresses to Council (refer to resolution No. 33 and 34).

**11.3.3 Sportsfield Fees and Charges (9662545)**

This item was considered following Addresses to Council (refer to resolution No. 35).

**11.3.4 Proposed Easement over Public Reserve between Hayes Ave and Tarra Crescent Mount Warrigal Lots 1131 and 1132 in DP263029: Balarang Reserve - Jack Wickham Park (9656478)**

42 RESOLVED: Rankin/Boyle

1. That Council commence the process, including advertisement to create an easement at Lots 1131 and 1132 in DP263029, Jack Wickham Park.
2. That provided no submissions are received, that Council enter into agreement with Endeavour Energy for the acquisition of a 1 metre wide easement between Hayes Ave Mount Warrigal and Tarra Crescent Oak Flats Lots 1131 and 1132 in DP263029: Balarang Reserve - Jack Wickham Park for a compensation amount of \$5000 plus GST.
3. Council require the following conditions of agreement to the electricity upgrade and easement creation:
  - a. That Council incur no expense in relation to the electricity upgrade and easement creation including civil works, Endeavour Energy fee and charge, surveyor fees, legal expenses and plan registration fees;
  - b. At the completion of works the land is to be reinstated to its original state;
  - c. Boundary fencing is to be maintained except for vehicle access to the site. Access controls shall be in place so there is no unauthorised access during and after the construction phase.

- d. Council shall be provided with construction plans, Works as Executed plans and survey plans as soon as available.
4. The Mayor and General Manager be authorised to sign and execute all necessary documentation in relation to the easement.

CARRIED UNANIMOUSLY

**11.3.5 Proposed renewal of licence agreement: Savvy Fitness South - Beverley Whitfield Park, Shellharbour (9650122)**

43 RESOLVED: Saliba/Rankin

1. That Council commence the formal process to renew the licence agreement with Savvy Fitness South for a further period of 12 months, including advertising of the proposal.
2. That provided no submissions are received, Council renew the licence agreement for 12 months with Savvy Fitness South for the continued use and occupation of part of Beverley Whitfield Park, as defined on the attached aerial photograph (Attachment 1), at an annual rental of \$1,500.00 plus GST. The hours of operation are to be limited to 6.00am to 7.00pm Monday to Friday, 6.00am to 9.00am on Saturdays and 6.00am to 10.00am on Sundays.

CARRIED UNANIMOUSLY

**11.3.6 Digital Switchover and Disposal of Analogue Televisions (9660309)**

44 RESOLVED: Murray/Saliba

That Council publicly exhibit for a period of 28 days from 1 March 2012 the removal of fees associated with the disposal of televisions at the Dunmore Recycling & Waste Disposal Depot.

CARRIED UNANIMOUSLY

**11.4 Shellharbour Enterprises Directorate**

Nil

**12. Committee Recommendations**

**12.1 Recommendations from the Shellharbour Traffic Committee Meeting held 1 February 2012 recommended for adoption.**

45 RESOLVED: Stewart/Rankin

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That the Recommendations from the Shellharbour Traffic Committee Meeting held on 1 February 2012 be adopted.

CARRIED UNANIMOUSLY

### 13. Items for Information

Nil

### 14. Notices of Rescission/Alteration Motions

Nil

### 15. Notices of Motion

Nil

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

Nil

### 17. Urgent Business

In relation to resolution No. 12 from the last Council Meeting:

*RESOLVED: Rankin/Saliba*

*That:*

- 1. The City Hub governance structure as outlined in Figure 1 be adopted.*
- 2. Council appoint the Mayor, Deputy Mayor and one other Councillor to the Project Control Group (PCG).*
- 3. PCG agree on and recommend an engagement strategy for the project to be ratified by the Committee of the Whole.*

the following nominations were received for one Councillor to join the Mayor and Deputy Mayor on the Project Control Group:

Councillor Murray	nominated by Councillor Murray
Councillor Stewart	nominated by Councillor Rankin

The vote was then taken by a show of hands:

Councillor Murray	(3)
Councillor Stewart	(4)

Councillor Stewart was declared as the third representative to the Project Control Group.

**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

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

Nil

**Meeting closed 8.30pm**