

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 03 April 2012 commencing at 6.31 pm**

Present

| | |
|--------------|-----------|
| Mayor | K Marsh |
| Deputy Mayor | M Saliba |
| Councillor | D Boyle |
| Councillor | H Stewart |
| Councillor | J Murray |
| 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 |
| Manager Executive Services / Public Officer | F MastroDomenico |
| Manager Property & Recreation | D Flanagan |
| Manager Assets & Projects | G Standen |
| Media Officer | C Lewis |
| Executive Assistant | L Davey |
| Executive Assistant | D Arney |

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 20 March 2012

59 RESOLVED: Rankin/Saliba

That the Minutes of the Ordinary Council Meeting held on 20 March 2012 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

3. Apologies / Leave of Absence

Note: Councillor Moran has been granted a leave of absence for this meeting as resolved at the last Council meeting, 20 March 2012.

4. Confidential Business (Committee of the Whole)

Nil

5. Pecuniary Interest and Conflict of Interest Declarations

Councillor Marsh: Item 11.3.1 Requests for Donation

Nature of Interest: Councillor Marsh declared a non-pecuniary interest for this item as she has previously worked for St Vincent de Paul Society and is currently a volunteer.

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Councillor Marsh: Item 11.3.3 Renewal of Licence Agreement: Shellharbour Swans Junior Australian Football League - Myimbarr Community Park, Wattle Street, Shellharbour

Nature of Interest: Councillor Marsh declared a non-pecuniary interest for this item as her children play for the Shellharbour Swans.

Councillor Rankin: Item 11.3.3 Renewal of Licence Agreement: Shellharbour Swans Junior Australian Football League - Myimbarr Community Park, Wattle Street, Shellharbour

Nature of Interest: Councillor Rankin declared a non-pecuniary interest for this item as his wife is Secretary of the Shellharbour Swans and his children play for the club.

6. Condolences

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

| | | |
|------------------------------|----|------------------|
| Mr Ronald Booth | of | Albion Park |
| Mrs Rita Muscat | of | Albion Park Rail |
| Mrs Shirley Lorraine Marsh | of | Barrack Point |
| Mrs Mary Lester | of | Blackbutt |
| Mrs Therese Wright | of | Flinders |
| Mrs Barbara Harrison | of | Mount Warrigal |
| Mr Louis Johannes Langendoen | of | Oak Flats |
| Mr Cyril Edwin Standen | of | Shell Cove |
| Mrs Joan Sookee | of | Shellharbour |
| Mrs Linda Walters | of | Warilla |
| Mrs Enid Ross | of | Warilla |
| Mrs Beryl Atkins | of | Warilla |

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

7. Addresses to Council

| Agenda Item No & Title | Name |
|--|--------------------|
| 10.1 Mayoral Minute: Local Government Review Panel (9689369) | Sonya McKay |
| 12.2 Recommendations from the Traffic Committee Meeting 7 March 2012 recommended for Adoption | Sonya McKay |

61 RESOLVED: Saliba/Murray

That standing orders be suspended in order for Items 10.1 and 12.2, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

10. Mayoral Minutes

10.1 Mayoral Minute: Local Government Review Panel (9689369)

62 RESOLVED: Marsh/Saliba

That Council write to the Minister for Local Government and the Chairperson of the Southern Councils Group, with a copy to Mayors of Southern Councils Group, to advise that Shellharbour City Council does not support forced amalgamations.

CARRIED UNANIMOUSLY

12. Committee Recommendations

12.2 Recommendations from the Traffic Committee Meeting 7 March 2012 recommended for Adoption

63 RESOLVED: Stewart/Boyle

That the Recommendations from the Traffic Committee Meeting held on 7 March 2012 be adopted.

CARRIED UNANIMOUSLY

64 RESOLVED: Saliba/Murray

That standing orders be resumed.

CARRIED UNANIMOUSLY

8. Mayor's Statements / Reports / Presentations

Nil

9. Councillors' Reports

9.1 Councillor Report: LGSA Tourism Conference, 12 - 14 March 2012 (9689291)

65 RESOLVED: Boyle/Saliba

That Councillors, Council staff and the Tourism Shellharbour Management Board investigate the items listed in the background section of this report and continue to work towards the goal of enhancing visitation to Shellharbour City.

CARRIED UNANIMOUSLY

10. Mayoral Minutes

10.1 Mayoral Minute: Local Government Review Panel (9689369)

This item was considered following Addresses to Council (refer to resolution No. 62).

10.2 Mayoral Minute: Shellharbour Village Exhibition Space - Cultural Development (9689499)

66 RESOLVED: Rankin/Boyle

1. That Council staff investigate options for waiving the Shellharbour Village Exhibition Space hire fees for local Indigenous artists and provide a report back to Council on the outcomes of this investigation and viability of this proposal.

2. That Council staff investigate low cost options and off peak periods for hire to potentially recoup some of the fees.

CARRIED UNANIMOUSLY

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11. Reports

11.1 General Manager

11.1.1 Monthly Investment Report - February 2012 (9879376)

67 RESOLVED: Murray/Rankin

That Council receive and note the attached Investment Portfolio reports, as at 29 February 2012.

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

Nil

11.3 Corporate Policy Directorate

11.3.1 Requests for Donation (9670026)

Cr Marsh declared a non-pecuniary interest for this item.

68 RESOLVED: Saliba/Rankin

1. That Council make the following donations/contributions totalling \$10,675:

- | | |
|--|---------|
| 1. Tullimbah Land Care | |
| - Materials for land care operations | \$500 |
| 2. St Vincent de Paul - Shellharbour / Warilla Conference | |
| - Material Assistance for local disadvantaged residents | \$500 |
| 3. St Vincent de Paul - Albion Park Conference | |
| - Material Assistance for local disadvantaged residents | \$500 |
| 4. St Joseph's Catholic High School | |
| - Prizes for Literary Lunch for regional Year 11 students | \$200 |
| 5. Southlake BMX Club | |
| - Contribution towards asphaltting course in prep for National Championships | \$4,225 |

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6. Illawarra Foster Carers Support Group
 - Christmas party for local Foster Carers and families \$250
 7. Shellharbour - Kiama Community Drug Action Team
 - Transport costs for events & workshops for local youth \$500
 8. Roller Hawks - Wheelchair Basketball
 - Towards costs for stadium fees for National Finals weekend should the team make the finals. Up to..... \$3,000
 9. Denny Foundation
 - Expenses for "Street Beat" Outreach Service \$1,000
2. That Council make the following contributions totalling \$9,540 to Fee Reduction at Dunmore Waste Depot:
1. St Vincent de Paul
 - disposal of unusable goods donated or illegally dumped \$3,000
 2. Salvation Army
 - disposal of unusable goods illegally dumped \$6,000
 3. The Denny Foundation
 - disposable of unusable donated fruit and vegetables etc. \$390
 4. Corpus Christi Catholic High School
 - for one truck load of mulch for school biodiversity gardens \$150
3. That the following Shellharbour community service groups, who assisted Council with the Australia Day Breakfast by the Lake event and without whose assistance the event could not proceed, receive between them, a distribution of 70% of the proceeds from the Australia Day Breakfast by the Lake 2012:
1. Rotary Club of Shellharbour
 2. Dunmore Rural Fire Brigade
 3. Oak Flats Lions Club
 4. Warilla Barrack Point SLSC
 5. Oak Flats Lioness' Club
- The Donations Working Group recommends that the following groups each receive a proportion of the remaining 30% of proceeds from Australia Day Breakfast by the Lake 2012, Cash for City Charities programme:
6. Wollongong Bodyboarders Inc.
 7. Australian Seabird Rescue South Coast
 8. St Vincent de Paul Society - Albion Park Conference
 9. St Vincent de Paul Society - Shellharbour City Conference
 10. Albion Park Scout Group

11. Australian Air League - Albion Park Girls Squadron

CARRIED UNANIMOUSLY

11.3.2 Renewal of Lease: Drainage Reserve between 19 & 21 Headland Parade, Barrack Point (9681782)

69 RESOLVED: Murray/Stewart

1. That Council commence the formal process to renew the lease with the adjoining landowners of the drainage reserve at Lot 102 DP 12780 Headland Parade, Barrack Point for a further period of five (5) years, including advertising of the proposal;
2. That, provided no submissions are received, Council renew the lease for the drainage reserve located at Lot 102 DP 12780 Headland Parade, Barrack Point with the adjoining landowners for a further period of five (5) years at an annual rental of \$104.00 plus GST.

CARRIED UNANIMOUSLY

11.3.3 Renewal of Licence Agreement: Shellharbour Swans Junior Australian Football League - Myimbarr Community Park, Wattle Street Shellharbour (9681804)

Cr Marsh and Cr Rankin declared a non-pecuniary interest for this item.

70 RESOLVED: Saliba/Boyle

1. That Council commence the formal process to enter into a licence agreement with Shellharbour Swans Junior AFL for a period of two (2) years, including advertisement of the proposals.
2. That provided no submissions are received, Council enter into a licence agreement with Shellharbour Swans Junior AFL for a period of two (2) years, for the occupation of buildings as defined on the attached diagram (Attachment 1), at an annual rental of \$1,000.00 or \$500.00 per sporting season.
3. That the Mayor and General Manager or designated officer be authorised to sign the licence agreements.

CARRIED UNANIMOUSLY

11.3.4 New Licence Agreement with Shell Cove Football Club at Myimbarr Community Park, Wattle Road, Shellharbour (9681943)

71 RESOLVED: Rankin/Saliba

1. That Council commence the formal process to enter into a licence agreement with Shell Cove Football Club for a period of twelve (12) months, including advertisement of the proposals.
2. That provided no submissions are received, Council enter into a licence agreement with Shell Cove Football Club for a period of twelve (12) months, for the occupation of buildings as defined on the attached diagram, at an annual rental of \$1,000.00 or \$500.00 per sporting season.
3. That the Mayor and General Manager or designated officer be authorised to sign the licence agreements.

CARRIED UNANIMOUSLY

11.3.5 Proposed Lease to Brian F Hayes and Associates Pty Ltd trading as H & R Block: Shop 134A Lamerton House, Lamerton Crescent, Shellharbour City Centre (9685851)

72 RESOLVED: Murray/Rankin

1. That Council enter into a lease agreement with Brian F Hayes & Associates Pty Ltd trading as H & R Block for a period of three (3) years with two (2) option periods of three (3) years each at an annual rental of \$26,000.00 plus GST with annual increases by the greater of either CPI (Sydney All Groups) or 3% with a market rent review prior to each option being exercised, including two (2) months gross rent free at the commencement of the first year;
2. That Council agree to the two (2) special conditions required as H & R Block's normal practice being:-
 - "1. Upon cessation of a lease, for a period of six (6) months, the lessor will not permit any other business engaged principally in the preparation of Individual Tax Returns to lease or occupy the premises.
 2. If the first option term is exercised by the lessee then in the event of a proclamation of Federal Legislation or the issue of a Federal Ministerial Statement which has the effect of not requiring the lodging of personal tax returns by individual tax payers, then the lessee will be permitted to terminate the lease on the 30 November immediately following such a proclamation or statement but the lessee must give three (3) months notice to the lessor of such termination."

3. That the Mayor and General Manager or his delegate be authorised to execute all documents associated with the lease agreement including the lease agreements following the exercise of the option, under Council Seal.

CARRIED UNANIMOUSLY

11.3.6 NSW Waterways Program - Grant Offer for Dredging at Burroo Bay, Oak Flats (9683493)

73 RESOLVED: Marsh/Saliba

1. That Council endorse the Mayor's interim acceptance of \$20,000 from the NSW State Government toward dredging works at Burroo Bay, Oak Flats.
2. That the Budget be amended accordingly.

CARRIED UNANIMOUSLY

11.3.7 Digital Switchover and Disposal of Analogue Televisions (9684415)

74 RESOLVED: Murray/Rankin

1. That Council resolve to remove the fees associated with the disposal of analogue televisions at the Dunmore Recycling & Waste Disposal Depot as of 1 May 2012.
2. Until a formal agreement is entered into under the National Television and Computer Product Stewardship Scheme, the free service only be made available to Shellharbour residents.

CARRIED UNANIMOUSLY

11.3.8 Review of NSW Waste and Environment Levy (9684434)

75 RESOLVED: Saliba/Murray

That the General Manager provide a submission to the State Government's review of the NSW Waste & Environment Levy, proposing:

- a) Full hypothecation of levy funds to contributing councils for use in waste management initiatives.

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- b) Council receive an exemption from the levy on illegally dumped wastes that Council has to collect and put to landfill.
- c) A hold on further increases to the levy.
- d) A review of the types of material the levy is applied to.

CARRIED UNANIMOUSLY

11.4 Shellharbour Enterprises Directorate

Nil

12. Committee Recommendations

12.1 Recommendations from the Aboriginal Advisory Committee Meeting 6 March 2012 recommended for Adoption

76 RESOLVED: Murray/Stewart

That the Recommendations from the Aboriginal Advisory Committee Meeting held on 6 March 2012 be adopted.

CARRIED UNANIMOUSLY

12.2 Recommendations from the Traffic Committee Meeting 7 March 2012 recommended for Adoption

This item was considered following Addresses to Council (refer to resolution No. 63).

12.3 Recommendations from the Disabilities Services Advisory Committee Meeting 14 March 2012 recommended for Adoption

Note: Cr Saliba thanked the Council staff and the community representatives who attend the Disabilities Services Advisory Committee Meetings for their contribution.

77 RESOLVED: Saliba/Stewart

That the Recommendations from the Disabilities Services Advisory Committee Meeting held on 14 March 2012 be adopted.

CARRIED UNANIMOUSLY

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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

Nil

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 7.25 pm