

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 26 June 2012

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 26 June 2012 commencing at 6.30 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 City Outcomes	C McIntyre
Director Corporate Policy	L Furness
Director Shellharbour Enterprises	B Green
Group Manager Finance	T Gearon
Group Manager Infrastructure Services	M Boenisch
Group Manager City Development	G Meredith
Group Manager Corporate Strategy	K Swinbourne
Manager Environment	M Fields
Manager Finance	P Henderson
Manager Community Development	K Henandez
Manager Assets & Projects	G Standen
Manager Property	D Flanagan
Executive Manager / Public Officer	F MastroDomenico
Senior IR/HR Advisor	P Kiley
Media Officer	C Lewis
Senior Executive Assistant	L Davey
Public Information Officer	D Arney
Waste Management Officer	C Williams
Corporate Planning Officer	S Farnham
Administration Officer	M Scozzafava

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.

Note

The Mayor advised that due to technical issues with sound equipment, a request has been made that councillors remain seated during the Meeting so that their voice recording is at optimum level.

2. Confirmation of Minutes

2.1 Ordinary Meeting 5 June 2012

133 RESOLVED: Stewart/Murray

That the Minutes of the Ordinary Council Meeting held on 5 June 2012 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

3. Apologies / Leave of Absence

Nil.

4. Confidential Business (Committee of the Whole)

Nil

5. Pecuniary Interest and Conflict of Interest Declarations

Nil.

6. Condolences

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

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Mrs Ailsa Richardson	of	Albion Park
Mrs Vivienne Marie Sawyer	of	Albion Park
Ms Margaret Isobel Green	of	Albion Park Rail
Mrs Elsie Violet Shaw	of	Albion Park Rail
Mr Maurice Arthur Crofts	of	Barrack Heights
Mr Percy Mummery	of	Barrack Heights
Mrs Caterina Puljak (Perusco)	of	Barrack Heights
Mrs Nance Masterson	formerly of	Barrack Heights
Mrs Thelma May Prescott-Smith	of	Barrack Point
Mrs Judith Alice Smith	of	Flinders
Mr Santo Antonio Morosini	of	Lake Illawarra
Mr John Henry Lindoy	of	Lake Illawarra South
Baby Elleni Stella Shepherd	of	Mt Warrigal
Mr Neil Turner	of	Mt Warrigal
Mr Michael Colin Vercoe	of	Mt Warrigal
Mr John William Hutley	of	Oak Flats
Mrs Ursula Sengstock	of	Oak Flats
Mr Francesco Saverio Esposito	of	Shellharbour
Mr Milorad Grpcevski	of	Shellharbour
Mr Raymond Pearson	of	Shellharbour
Mr James Ransome	of	Shellharbour
Mr Noel Armstrong	of	Warilla
Mr Kevin Graham Belcher	of	Warilla
Mrs Isabella Campbell	of	Warilla
Mrs Diny Moosdyk	of	Warilla

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Mr Noel Creighton Johnston of Warilla

Mrs Elfreida Svehheimers of Warilla

Mr Steven Mozes formerly of Warilla

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

7. Addresses to Council

Agenda Item No & Title	Name
11.1.1 Waste Management (9731597)	Steven Krinks
11.2.2 Smoke-Free Policy - Outdoor Areas (9705521)	Steven Krinks
11.3.2 Proposed Licence Agreement with Osborne Health & Fitness at Reddall Parade, Lake Illawarra (9729495)	Steven Krinks
16.1 Question on Notice submitted by Councillor Moran	Sonya McKay <i>Did not attend</i> <i>Submission emailed to Councillors</i>

135 RESOLVED: Saliba/Stewart

That standing orders be suspended in order for Items 11.1.1, 11.2.2 and 11.3.2, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

11.1.1 Waste Management (9731597)

136 RESOLVED: Rankin/Murray

That Council endorse:

1. Progressing the establishment of an organics processing facility at the Dunmore Recycling & Waste Disposal Depot.

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2. Implementing the following kerbside collection system once the processing facility is operational:
 - a. Fortnightly collection of recycling in a 240L MGB
 - b. Weekly collection of food waste and garden organics in a 240L MGB
 - c. Fortnightly collection of garbage in a 140L MGB
3. In the interim, retaining the current kerbside collection service of:
 - a. Fortnightly collection of garbage in either a 140L or 240L MGB
 - b. Fortnightly collection of recycling in a 240L MGB
 - c. Fortnightly collection of garden organics in a 240L MGB
4. Retaining the current on call clean up service.
5. Progress on establishment of the organics processing facility be reported to Council on a quarterly basis as part of the Quarterly Management Plan Review.
6. Active promotion of the services and programs available for assisting households who feel that a standard fortnightly collection service does not meet their needs.

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

FOR VOTE - Cr Boyle, Cr Saliba, Cr Moran, Cr Murray, Cr Stewart
AGAINST VOTE - Cr Rankin, Cr Marsh

11.2.2 Smoke-Free Policy - Outdoor Areas (9705521)

137 RESOLVED: Murray/Boyle

That:

1. Council endorse the draft Smoke Free Policy - Outdoor Areas.
2. Council publicly exhibit the Draft Smoke-Free Policy - Outdoor Areas for a minimum period of 28 days, in accordance with Council's Community Engagement Policy.
3. A further report be provided to Council after the exhibition period providing a summary of any submissions received and making recommendations with regard to the adoption of the draft Smoke Free Policy - Outdoor Areas.

CARRIED UNANIMOUSLY

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11.3.2 Proposed Licence Agreement with Osborne Health & Fitness at Reddall Parade, Lake Illawarra (9729495)

138 RESOLVED: Murray/Stewart

1. That Council commence the formal process, including advertising and public exhibition, to enter into a licence agreement with Osborne Health & Fitness for a period of 12 months;
2. That provided no objections are received, Council enter into a 12 month licence agreement with Osborne Health & Fitness for the use of the approved section of Reddall Reserve, at an annual rental of \$1,500.00 plus GST.
3. That the Mayor and General Manager, or his delegate, be authorised to sign the licence agreement.

CARRIED UNANIMOUSLY

139 RESOLVED: Murray/Stewart

That Standing Orders be resumed

CARRIED UNANIMOUSLY

8. Mayor's Statements / Reports / Presentations

The Mayor addressed the meeting on the funding announced for the upgrade of the Princes Highway.

The Mayor congratulated the Wollongong Roller Hawks on behalf of Council for their recent win.

9. Councillors' Reports

Nil.

10. Mayoral Minutes

Nil.

11. Reports

11.1 General Manager

11.1.1 Waste Management (9731597)

This Item was considered following Addresses to Council (refer to resolution No. 136).

11.1.2 Monthly Investment Report - May 2012 (9730729)

140 RESOLVED: Murray/Rankin

That Council receive and note the attached Investment Portfolio reports, as at 31 May 2012.

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

11.2.1 Planning Proposal - Calderwood Urban Release Area (9731742)

Note: The Mayor thanked the Lord Mayor and Councillors of Wollongong City Council for their support in this matter

141 RESOLVED: Marsh/Boyle

That a draft Planning Proposal be submitted to the NSW Department of Planning & Infrastructure for Gateway determination, proposing that:

1. *State Environmental Planning Policy (Major Development) 2005* be amended by removing 'Part 28 Calderwood site' from the Shellharbour Local Government Area.
2. a. the *Shellharbour Rural LEP 2004* be amended for the Calderwood Urban Development Area by introducing the following planning controls:
 - i. Zoning 1(a) Agriculture
 - ii. Zoning 7(n) Nature Conservation
 - iii. Zoning 9(b) Arterial Roads Reservation
 - iv. Zoning 9(c) Local Roads Reservation
 - v. Areas of High Conservation Value
 - vi. Schedule 4 Heritage Items:

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Marshall Mount Methodist Cemetery, 283 Calderwood Road, Calderwood

Rural property, 317 Calderwood Road, Calderwood

Rural property, 337 Calderwood Road, Calderwood

Rural property, 340 - 400 North Macquarie Road, Calderwood

Rural property and trees, 248 - 268 North Macquarie Road, Calderwood; and

b. the *Shellharbour LEP 2000* be amended for the Calderwood Urban Development Area by introducing the following planning controls:

i. Zoning 9(b) Arterial Roads Reservation; or

c. the *Draft Shellharbour LEP 2011* be revised for the Calderwood Urban Development Area by including the following planning controls:

i. Zoning RU1 Primary Production

ii. Zoning E3 Environmental Management

iii. SP2 Infrastructure - Classified Road

iv. SP2 Infrastructure - Local Road

v. Land Acquisition Reservation Map - Classified Road and Local Road

vi. Biodiversity Map for that land shown as Areas of High Conservation Value in Shellharbour Rural LEP 2004

vii. Minimum Lot Size - 40 hectares

viii. Building Height Map - 9 metres

ix. Floor Space Ratio - nil

x. Schedule 5 Heritage Items:

Marshall Mount Methodist Cemetery, 283 Calderwood Road, Calderwood

Rural property, 317 Calderwood Road, Calderwood

Rural property, 337 Calderwood Road, Calderwood

Rural property, 340 - 400 North Macquarie Road, Calderwood

Rural property and trees, 248 - 268 North Macquarie Road, Calderwood.

3. That a petition of citizens of Shellharbour City Council and Wollongong City Council Local Government areas to the Speaker and the Members of the Legislative Assembly of NSW to reinstate local planning controls by removing the Calderwood Urban Release Land from the State Environmental Planning Policy (Major Developments) 2005 and zoning it under either the Shellharbour Rural Local Environmental Plan (LEP) 2004 and Shellharbour LEP 2000, Draft Shellharbour LEP 2011 (or Shellharbour LEP 2011 if gazetted) or Wollongong Local Environmental Plan 2009 as applicable be endorsed.

CARRIED UNANIMOUSLY

Meeting adjourned at 7.24pm

Meeting resumed at 7.31pm

11.2.2 Smoke-Free Policy - Outdoor Areas (9705521)

This Item was considered following Addresses to Council (refer to resolution No. 137).

11.2.3 Aboriginal Employment Strategy (9732423)

142 RESOLVED: Murray/Saliba

That Council:

1. endorse the Aboriginal Employment Strategy
2. note the launch of the Aboriginal Employment Strategy to take place during NAIDOC week 2012.

CARRIED UNANIMOUSLY

11.3 Corporate Policy Directorate

11.3.1 Part Lot 8, DP 1072916 Memorial Drive and Bimbala Place, Shellharbour City Centre - Proposed Lease over Community Land for Outdoor Plaza Dining Area (9729904)

Cr Moran MOVED a POINT of ORDER that Councillors be permitted to speak to the amended Motion.

The Mayor accepted the Point of Order.

Councillor Moran advised that, should the Motion be lost he would FORESHADOW a MOTION that this Item be deferred for a further report to Council.

MOTION: Murray/Boyle

That the Lease agreement be approved in principle with the amount to be investigated and reported back to the next Ordinary Meeting of Council.

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

FOR VOTE - Cr Boyle, Cr Saliba, Cr Murray

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

The FORESHADOWED MOTION became the MOTION.

143 RESOLVED: Moran/Rankin

That this Item be deferred for a further report to Council.

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

FOR VOTE - Cr Moran, Cr Rankin, Cr Stewart, Cr Marsh

AGAINST VOTE - Cr Boyle, Cr Saliba, Cr Murray

11.3.2 Proposed Licence Agreement with Osborne Health & Fitness at Reddall Parade, Lake Illawarra (9729495)

This Item was considered following Addresses to Council (refer to resolution No. 138).

11.4 Shellharbour Enterprises Directorate

11.4.1 NSW Environmental Trust Grant - Blackbutt Reserve (9724643)

144 RESOLVED: Murray/Moran

That Council accept the grant of \$60,400 from the NSW Environmental Trust for restoration and rehabilitation works within Blackbutt Reserve.

CARRIED UNANIMOUSLY

12. Committee Recommendations

12.1 Recommendations from the Traffic Committee Meeting held 6 June 2012 recommended for adoption.

145 RESOLVED: Stewart/Saliba

That the Recommendations from the Traffic Committee Meeting held on 6 June 2012 be adopted.

CARRIED UNANIMOUSLY

12.2 Recommendations from the Disabilities Services Advisory Committee Meeting held 13 June 2012 recommended for adoption.

146 RESOLVED: Stewart/Saliba

That the Recommendations from the Disabilities Services Advisory Committee Meeting held on 13 June 2012 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

13.1 Local Government Forced Amalgamations (9730941)

147 RESOLVED: Moran/Stewart

That Council receive and note this report

CARRIED UNANIMOUSLY

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

Nil

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

16.1 Question on Notice submitted by Councillor Moran

The following Question on Notice was submitted by Cr Moran:

At the time that Mr Peter Dransfield was presenting "independent" advice to Council relating to Australand and the Shell Cove project, was the General Manager aware of Mr Dransfield's previous associations with Australand, such as being an Australand executive, an Australand appointee to the Shell Cove Management Committee and a Director of numerous Australand-owned commercial entities?

Response:

The General Manager read his response to the Meeting, which was provided to Councillors in a memo dated 26 June 2012.

17. Urgent Business

1. Cr Moran stated that Council webcasts its meetings, making them available on its website for the benefit of the community. Webcasts prior to the first meeting of 2011 have now been removed from the website. Cr Moran advised the Meeting that the Community had previously been assured that no webcast would be removed until three months had passed since the completion of matters.

Cr Moran stated that Shell Cove has been raised a number of times during that period and asked why the removal of webcasts had occurred.

The General Manager took the question on notice.

2. Cr Rankin requested the General Manager advise the Meeting of the status of the report to Council on Cr Stewart's legal matter.

As Councillor Stewart had previously declared a Pecuniary Interest in this matter, she left the Chamber at 8.23pm

The General Manager advised the Meeting it was progressing.

Cr Stewart here returned to the Chamber at 8.25pm.

Cr Saliba here left the Chamber at 8.25pm

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 8.25pm