

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 17 July 2012

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 17 July 2012 commencing at 6.32 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
Group Manager Works & Services	C Watt
Group Manager Finance	T Gearon
Group Manager Infrastructure Services	M Boenisch
Group Manager City Development	G Meredith
Executive Manager / Public Officer	F MastroDomenico
Manager Property	D Flanagan
Manager Engineering Services	B Short
Team Leader Forward Planning & Assets	M Davis
Media Officer	C Lewis
Public Information Officer	D Arney
Executive Assistant	T Mattila
Development Assessment Officer	N Cavallo
Environment Officer	D Cesco
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.

2. Confirmation of Minutes

2.1 Extraordinary Meeting 29 May 2012

193 RESOLVED: Saliba/Murray

That the Minutes of the Extraordinary Council Meeting held on 29 May 2012 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

FOR VOTE: Cr Marsh, Cr Boyle, Cr Saliba, Cr Moran, Cr Murray, Cr Stewart
ABSENT DID NOT VOTE: Cr Rankin

Cr Rankin here entered the Chamber at 6.34pm.

2.2 Committee of the Whole in Open Meeting 6 June 2012

194 RESOLVED: Saliba/Boyle

That the Minutes of the Committee of the Whole in Open Meeting held on 6 June 2012 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.3 Ordinary Meeting 26 June 2012

195 RESOLVED: Saliba/Boyle

That the Minutes of the Ordinary Council Meeting held on 26 June 2012 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.4 Extraordinary Meeting 26 June 2012

196 RESOLVED: Murray/Saliba

That the Minutes of the Extraordinary Council Meeting held on 26 June 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

Nil

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 Moran: Item 11.2.1 DA No. 452/2011 - Tourist Facility Containing Four Retail/Commercial Units, 67 Serviced Apartments, Car Parking and Permanent and Temporary Signage at Lot 61, DP 1103339, 9 Minga Avenue, Shellharbour City Centre

Nature of Interest: Councillor Moran declared a NON PECUNIARY INTEREST as he had provided a written submission on the DA and advised he would remove himself from all involvement in the matter.

Councillor Marsh: Item 11.3.1 Sport & Recreation Capital Improvement Requests

Nature of Interest: Councillor Marsh declared a NON PECUNIARY INTEREST as her son plays for the Shellharbour Swans and would continue to be involved in the matter as the interest would not affect her ability to act in an impartial manner.

Councillor Rankin: Item 11.3.1 Sport & Recreation Capital Improvement Requests

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 17 July 2012

Nature of Interest: Councillor Rankin declared a NON PECUNIARY INTEREST as his sons play for the Shellharbour Swans and would continue to be involved in the matter as the interest would not affect his ability to act in an impartial manner.

6. Condolences

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

Mrs Elfriede Dittrich	of	Albion Park
Mrs Joy Borjeson	of	Albion Park
Mr Errol Graham	of	Albion Park
Mrs Annette Emma Packham	of	Albion Park
Mrs Sarah Kahler	of	Albion Park
Mrs Lorraine Ellen Martin	of	Albion Park
Mr Ilija Savija	of	Albion Park
Mrs Jean Denniss	of	Albion Park Rail
Mr Kevin John Hill	of	Albion Park Rail
Mr Norman Kevin Turney	of	Albion Park Rail
Mr Kevin John Cox	of	Barrack Heights
Mr John William Augustine Morrison	of	Barrack Point
Mrs Lena Georgievska	of	Mt Warrigal
Mr Dave Komene	of	Mt Warrigal
Mr Patrick Kiely	of	Mt Warrigal
Mr Graham Hodges	of	Mt Warrigal
Mr Bosko Grkinic	of	Oak Flats
Mr Leli Bonnici	of	Oak Flats
Mr Rudolph Wagner	of	Oak Flats
Mr Stephen John Chourlianis	formerly of	Oak Flats
Mr Gerrit Kooyman	of	Oak Flats
Mrs Elizabeth Varga	of	Oak Flats

SHELLHARBOUR CITY COUNCIL
Ordinary Council Meeting - Tuesday 17 July 2012

Mrs Sylvia Jean Elizabeth Heriot	of	Shellharbour
Mr Noel Stevens	of	Shellharbour
Mrs Grace Lorraine Dunn	of	Warilla
Mr Leslie Philip Silke	formerly of	Warilla
Mrs Denise Barbara Zingel	formerly of	Warilla
Mr Drago Maric	of	Warilla

Cr Saliba advised the Meeting of the passing of Mr Mark Brogan of the Illawarra Academy of Sport and extended the condolences of the Council to his family

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

7. Addresses to Council

Late registrant

Agenda Item No & Title	Name
15.2 Notice of Motion Submitted by Councillor Rankin: Formation of Aquatic Facilities Working Party (9747433)	Steven Krinks

As per Council's Code of Meeting Practice, the late registrant was not heard.

8. Mayor's Statements / Reports / Presentations

The Mayor congratulated Council, Council's Aboriginal Community Liaison Officer, Veronica Bird, and the Council's Community Connections Team on the success of the NAIDOC Week celebrations.

9. Councillors' Reports

Cr Saliba reported that between 17-20 June 2012, Cr Saliba, Cr Stewart and Mrs Lee Furness attended the National General Assembly of Local Government in Canberra and updated the Council on matters discussed.

Cr Saliba advised Council that she recently attended the ItSoWel (Italian Social Welfare) ball.

10. Mayoral Minutes

Nil

11. Reports

11.1 General Manager

Nil

11.2 City Outcomes Directorate

11.2.1 DA No. 452/2011 - Tourist Facility Containing Four Retail/Commercial Units, 67 Serviced Apartments, Car Parking and Permanent and Temporary Signage at Lot 61, DP 1103339, 9 Minga Avenue, Shellharbour City Centre (9745310)

Cr Moran declared a non pecuniary interest in item 11.2.1 and left the Chamber whilst this matter was being considered at 6.42pm

198 RESOLVED: Murray/Saliba

That the Council approve Development Application No. 452/2011 subject to the proposed draft development consent conditions in this report subject to the amendment to the condition part G.1(c) to read “the requirement that the premises is used for the purpose of tourist accommodation and that each unit is not occupied for more than three consecutive months at any one time”.

CARRIED UNANIMOUSLY

FOR Vote: Cr Marsh, Cr Boyle, Cr Saliba, Cr Murray, Cr Rankin, Cr Stewart
ABSENT DID NOT VOTE: Cr Moran

Cr Moran here returned to the Chamber at 6.48pm

11.2.2 Temporary Alcohol-Free Zones and Prohibited Zones for Youth Concert 'Amp It Up' on 18 August 2012 (9745630)

199 RESOLVED: Rankin/Saliba

That Council resolves to establish a temporary alcohol-free and prohibited zone on the area designated on the attached map from 12pm – 12am on Saturday 18 August 2012, following:

1. advertisement of the proposal in the Lake Times, on Council's website and within Council's Administration building and libraries
2. declaration of its establishment in the Lake Times, effective seven days after the proposal is advertised, subject to objection.

CARRIED UNANIMOUSLY

11.3 Corporate Policy Directorate

11.3.1 Sport & Recreation Capital Improvement Requests (9743974)

Cr Marsh and Cr Rankin declared a non-pecuniary interest in Item 11.3.1 and remained in the Chamber.

200 RESOLVED: Saliba/Murray

1. That Council resolve to allocate the following funds from the City Wide Sportsfield Allocation in the current budget
 - a) \$3,635.01 to assist the Shellharbour Suns AFL Club to install additional lighting at Jock Brown Oval and amend the budget accordingly
 - b) \$4,999.50 to assist the Warilla Junior Football Club with permanent seating and concrete slab at Morley Park and amend the budget accordingly
 - c) \$5,505.50 to assist the Warilla Junior Football Club with re-levelling and re-nourishing the field at Morley Park and amend the budget accordingly
 - d) \$2,850 to assist the Warilla Junior Football Club to install fencing at Morley Park and amend the budget accordingly
 - e) \$7,966.20 to assist the Warilla Junior Football Club to upgrade the car parking facilities at Morley Park and amend the budget accordingly
2. That Council resolve to allocate \$5000 to Shellharbour Swans Junior AFL for aluminium seating in principle subject to consultation with other Myimbarr users regarding the location of the aluminium seating.
3. That Council resolve to decline the funding request for Stingrays RFLC Inc for their lighting and enter into discussions with the club in relation to other funding alternatives.
4. That Council resolve to decline the funding request for Kiama and Shellharbour District Tennis Association Inc for the upgrade of seven tennis courts and Council to enter into discussions with the Association in relation to incorporating these requirements within the Master Plan for this facility.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 17 July 2012

5. That Council resolve to decline the funding request for Albion Park and Oak Flats Junior and Minor Rugby League Football Club for facility upgrade and Council to enter into discussions with the club in relation to incorporating these requests within the Master Plan for Croome Road Sporting Complex.
6. That Council resolve to decline the funding request for Southern Suburbs Netball Club for upgrading of the netball court playing surfaces and Council to enter into discussions with the Club in relation to the possibility of using Section 94 funds where available to undertake these works.

CARRIED UNANIMOUSLY

11.3.2 Current status of the Floodplain Management process within the Shellharbour LGA (9743411)

201 RESOLVED: Murray/Moran

That Council receive and note the report.

CARRIED UNANIMOUSLY

11.3.3 Lake Illawarra Floodplain Risk Management Study and Plan (9743001)

202 RESOLVED: Saliba/Boyle

That Council adopt the Lake Illawarra Floodplain Risk Management Study and Plan.

CARRIED UNANIMOUSLY

11.3.4 Requests for Donation (9716489)

203 RESOLVED: Saliba/Rankin

i. That Council make the following donations / contributions totalling \$5,500

- | | | |
|----|--|------------|
| 1. | Men Across Albion Park /Albion Park Men's Shed
- Extension of the Men's Shed | \$1,500.00 |
| 2. | Kidz Wish Foundation
- Fee reduction towards Court Hire at Croome Rd
for Wheelchair Basketball | \$1,500.00 |
| 3. | Illawarra Koori Men's Support Group
- NAIDOC Community & Family Bowls Day | \$500.00 |

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 17 July 2012

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| 4. | Mount Terry Public School
- Purchase and support fruit trees for the permaculture garden to be developed as a community resource | \$500.00 |
| 5. | Albion Park Anglican Church / Albion Park Rail Community Kitchen
- Purchase of essential kitchen equipment | \$750.00 |
| 6. | Korewal Elouera Jerrungarugh Aboriginal Elders Corporation
- Food and children's activities at NAIDOC Flag Raising | \$250.00 |
| 7. | MIDDAS (Mentally Ill Do Deserve A Say).
- Purchase of exercise bike and musical instruments | \$500.00 |
- ii. That recipient groups of this and future donation allocations be invited to select a representative to attend Council's Administration Centre for the presentation of the donation by the Mayor and/or Councillor Representatives of the Donations Working Group.

CARRIED UNANIMOUSLY

11.3.5 Disposal of televisions and computers at the Dunmore Recycling and Waste Disposal Depot (9743959)

MOTION: That Council endorse:

1. Ceasing the acceptance of televisions, including analogue televisions, and computers at the Dunmore Recycling & Waste Disposal Depot until such time that a site is established at the Dunmore Recycling & Waste Disposal Depot under the National Television and Computer Product Stewardship Scheme.
2. Advising residents to hold on to these items until the National Television and Computer Product Stewardship Scheme is rolled out locally.

Councillor Rankin FORESHADOWED a MOTION that should this item be lost he would be moving that this Item be deferred to a future Ordinary Meeting of Council for further report on the costings and timings from the Federal Government.

204 RESOLVED: Saliba/Moran

1. That Council officers provide a detailed report on the issue and options in consultation with the federal government
2. As part of the reporting process, outlined in part 1 of the recommendation, and in accordance with Council policy, this matter be placed on public

exhibition for 28 days in order to advertise the possibility of charges up to a maximum of \$60 or the actual cost of removal (whichever is the lesser) to cover disposal costs and seek submissions from the public.

CARRIED 4/3

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

AGAINST VOTE - Cr Rankin, Cr Stewart, Cr Marsh

11.3.6 Part Lot 8, DP 1072916 Memorial Drive and Bimbala Place, Shellharbour City Centre - Proposed Lease over Community Land for Outdoor Plaza Dining Area (9744009)

Cr Rankin MOVED a POINT of ORDER that the Council get back to debating the motion on the table.

The Mayor accepted the Point of Order

MOTION: Murray/Boyle

1. That Council enter into the a lease agreement with Errol Nominees Pty Limited for a term of twelve months for an amount of \$17,045 GST Exclusive for the permitted use of outdoor plaza dining on the Community Land being Part Lot Lot 8 DP 107291.
2. That the Mayor and General Manager be authorised to execute all associated documentation under Council Seal.

Cr Moran proposed the following amendment to the Motion to include an additional point 3:

3. That Walsh and Monaghan no longer provide valuation services to Council.

The proposed amendment was not accepted by the Mover.

205 RESOLVED: Murray/Boyle

1. That Council enter into the a lease agreement with Errol Nominees Pty Limited for a term of twelve months for an amount of \$17,045 GST Exclusive for the permitted use of outdoor plaza dining on the Community Land being Part Lot Lot 8 DP 107291.
2. That the Mayor and General Manager be authorised to execute all associated documentation under Council Seal.

CARRIED UNANIMOUSLY

Business Arising:

206 RESOLVED: Moran/Marsh

That the General Manager provide a report to the Council on the way Council accesses valuation services and that the report include:

- a) the possibility of excluding any particular valuers from the service of the Council
- b) the possibility of using two independent valuers whenever Council seeks a valuation on any of its properties.

CARRIED UNANIMOUSLY

11.3.7 Collection of Waste and Recoverable Resources and Processing of Recyclables Contract 2007/36

207 RESOLVED: Saliba/Murray

That Council resolve to:

1. Prepare a Deed of Assignment for the transfer of all rights and obligations under contract 2007/36 Collection of Waste and Recoverable Resources and Processing of Recyclables from Thiess Services Pty Ltd to the Remondis Group.
2. Authorise the General Manager to execute all relevant documentation relating to the transfer of all rights and obligations.

CARRIED UNANIMOUSLY

11.4 Shellharbour Enterprises Directorate

11.4.1 Shell Cove - Housing Display Village (9743712)

Cr Moran queried whether the Council would be in breach of the Management Agreement if it refused to affix the Seal of Council as stated in the report.

The General Manager took the question on notice.

208 RESOLVED: Murray/Saliba

That Council authorise the Mayor and General Manager (or his delegate - Public Officer) to execute the deed of agreement (and any associated documents) with the Promoter and Australand for the proposed new Housing Display Village at Shell Cove, under Council Seal.

CARRIED UNANIMOUSLY

11.4.2 Natural Disaster Relief Assistance Program (9743230)

209 RESOLVED: Rankin/Saliba

1. That Council accept the offer of financial assistance for \$232,462 from the Minister for Finance and Services towards restoration works associated with the March 2011 Flood event.
2. That Council accept the offer of financial assistance for \$26,250 from the Roads and Maritime Services towards restoration works associated with the March 2012 rainfall event.

CARRIED UNANIMOUSLY

12. Committee Recommendations

12.1 Recommendations from the Traffic Committee Meeting held 4 July 2012 recommended for adoption.

210 RESOLVED: Stewart/Saliba

That the Recommendations from the Traffic Committee Meeting held on 4 July 2012 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

13.1 Response to Question on Notice - Storage of Council Meetings Online (9748375)

That Council receive and note this report.

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

15.1 Notice of Motion Submitted by Councillor Moran: Disposal of Refrigeration Equipment (9746121)

211 RESOLVED: Moran/Marsh

That, given the extreme environmental impacts of some refrigerant gases, the General Manager prepare a report to a future meeting of Council detailing a plan to charge owners for de-gassing of any refrigeration equipment disposed of at Dunmore Waste Facility. Such a report should also include strategies to counter any possible increase in illegal disposal should such a charge be introduced.

CARRIED 6/1

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

15.2 Notice of Motion Submitted by Councillor Rankin: Formation of Aquatic Facilities Working Party (9747433)

MOTION: Rankin/Stewart

1. That Council re-form the Aquatic Facilities Working Party.
2. That the purpose of the Aquatic Facilities Working Party be "*To review the current use of swimming pools and investigate the future needs of the community in regard to swimming facilities.*"
3. That the Aquatic Facilities Working Party be made up of three Councillors, Council staff, a representative of each local swimming club and two community representatives not from within swimming clubs.

Cr Rankin proposed the following additions to the motion to include point 4.

4. That Councillors Rankin, Boyle and Stewart be appointed to the Working Party.

The proposed addition was accepted by the Secunder

Cr Saliba proposed the following additions to the motion to include additional points 5 and 6

5. that a representative from Swimming NSW and one representative to represent the two Surf Clubs within Shellharbour City be included in the Working Party."

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 17 July 2012

6. That all non-council representatives be reported back to Council for endorsement

The proposed additions were accepted by the Mover and Seconder

212 RESOLVED: Rankin/Stewart

1. That Council re-form the Aquatic Facilities Working Party.
2. That the purpose of the Aquatic Facilities Working Party be "*To review the current use of swimming pools and investigate the future needs of the community in regard to swimming facilities.*"
3. That the Aquatic Facilities Working Party be made up of three Councillors, Council staff, a representative of each local swimming club and two community representatives not from within swimming clubs.
4. That Crs Rankin, Boyle and Stewart be appointed to the Working Party.
5. That a representative from Swimming NSW and one representative to represent the two Surf Clubs within Shellharbour City be included in the Working Party.
6. That all non-council representatives be reported back to Council for endorsement.

CARRIED 6/1

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

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

Nil

17. Urgent Business

Nil

18. Committee of the Whole in Closed Session: Adjournment

Nil

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 17 July 2012

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 7.58 pm