

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 07 August 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 Infrastructure Services	M Boenisch
Group Manager Finance	T Gearon
Group Manager Corporate Strategy	K Swinbourne
Shell Cove Commercial Manager	K James
Manager Property & Recreation	D Flanagan
Manager Assets & Projects	G Standen
Corporate Planning Accountant	M Ledwos
Media Officer	C Lewis
Senior Executive Assistant	L Davey
Public Information Officer	D Arney
Council Liaison Officer	J Frasca

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 17 July 2012

213 RESOLVED: Rankin/Saliba

That the Minutes of the Ordinary Council Meeting held on 17 July 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

Nil

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 07 August 2012

6. Condolences

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

Mr Karl Dragon	of	Albion Park
Mr Adrian Sartori	of	Albion Park
Mrs Edeltraud Pauline Cizerle	of	Albion Park
Mt Joseph Merkas	formerly of	Albion Park
Mr Terry Spicer	of	Albion Park Rail
Mr Luigi Frino	of	Barrack Heights
Mr Barry John Guyatt	of	Barrack Point
Mrs Irene Norma Bridges	formerly of	Lake Illawarra South
Mrs Mary Becroft	of	Mt Warrigal
Mrs Evelyn Boag	of	Mt Warrigal
Mr John Smart	of	Oak Flats
Mrs Tracey Anne Benko	of	Oak Flats
Mr Neville Donald Lord	of	Oak Flats
Mr Vincent Allan Oldfield	of	Oak Flats
Mr Keith Rankin	of	Shell Cove
Mrs Marion Christine Thompson	of	Shellharbour
Mrs Carmel Kingsley	of	Warilla
Mr Robert Levi Ernest Waldock	of	Warilla

Councillor Saliba, on behalf of Council, expressed her sympathies to the family of Neville Lord on his passing, who was a former employee of Shellharbour Council and former representative on the Shellharbour Traffic Committee.

The Mayor, on behalf of Council, also expressed her sympathies to Harry Spicer and his family on the passing of his son.

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

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 07 August 2012

7. Addresses to Council

Agenda Item No & Title	Name
11.1.3 Compliance with the GIPA Act - Information Guide (9757895)	Sonya McKay
11.2.1 2012 Community Survey (9755490)	Sonya McKay
11.4.1 Shell Cove Progress Report - 29 July 2012 (9746422)	Sonya McKay

215 RESOLVED: Saliba/Boyle

That standing orders be suspended in order for Items 11.1.3, 11.2.1 and 11.4.1, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

11.1.3 Compliance with the GIPA Act - Information Guide (9757895)

Cr Moran asked if there was any opportunity for Council to put into its own Code of Meeting Practice a provision whereby any information requested under GIPA can be reported back to Council to give Council an oversight of the way the GIPA Act is being interpreted and applied by Council staff.

The General Manager took this question on notice.

216 RESOLVED: Murray/Rankin

1. That the Information Guide - July 2012 as attached to this report be adopted.
2. That the Information Guide be updated as and when required to reflect changes as they occur.

CARRIED UNANIMOUSLY

11.2.1 2012 Community Survey (9755490)

217 RESOLVED: Stewart/Saliba

That Council note and receive the Shellharbour City Council Community Survey 2012 Final Management Report, prepared by IRIS Research Ltd.

CARRIED UNANIMOUSLY

11.4.1 Shell Cove Progress Report - 29 July 2012 (9746422)

Councillor Murray MOVED a POINT of ORDER that Councillor Moran speak to the report. The Mayor did not accept the POINT of ORDER.

MOTION: Murray/Boyle

1. That the quarterly report for the period from 12 March 2012 to 29 July 2012 for the Shell Cove Project be received and noted.
2. That Council authorise the Mayor and General Manager (or his delegate - Public Officer) to execute the Subdivision Plan and 88B Instrument for the subdivision of Lot 6726 DP 1171495, and any documents associated with the sale (including the Transfers) of proposed lots 6731 to 6766 (Stage 6F2), under Council Seal.
3. That Council authorise the Mayor and General Manager (or his delegate - Public Officer) to execute the Subdivision Plan and 88B Instrument for the subdivision of Lots 8250 and 8251 DP 1153225, and any documents associated with the sale (including the Transfers) of proposed lots 9001 to 9040 (Stage 9), under Council Seal.
4. That Council authorise the Mayor and General Manager (or his delegate - Public Officer) to execute the Deed of Covenant with Warilla Bowls Club and the yet-to-be named purchaser for Lot 802 DP 1149748 (and any associated documents), under Council Seal.

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

5. That if Council chooses to report employment figures in a future Shell Cove report, they should only be reported as whole number of workers and not a percentage.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 07 August 2012

218 RESOLVED: Murray/Boyle

1. That the quarterly report for the period from 12 March 2012 to 29 July 2012 for the Shell Cove Project be received and noted.
2. That Council authorise the Mayor and General Manager (or his delegate - Public Officer) to execute the Subdivision Plan and 88B Instrument for the subdivision of Lot 6726 DP 1171495, and any documents associated with the sale (including the Transfers) of proposed lots 6731 to 6766 (Stage 6F2), under Council Seal.
3. That Council authorise the Mayor and General Manager (or his delegate - Public Officer) to execute the Subdivision Plan and 88B Instrument for the subdivision of Lots 8250 and 8251 DP 1153225, and any documents associated with the sale (including the Transfers) of proposed lots 9001 to 9040 (Stage 9), under Council Seal.
4. That Council authorise the Mayor and General Manager (or his delegate - Public Officer) to execute the Deed of Covenant with Warilla Bowls Club and the yet-to-be named purchaser for Lot 802 DP 1149748 (and any associated documents), under Council Seal.

CARRIED 6/1

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

Meeting adjourned at 7.25pm

Meeting resumed at 7.30pm

Standing orders were resumed.

8. Mayor's Statements / Reports / Presentations

Nil

9. Councillors' Reports

Nil

10. Mayoral Minutes

Nil

11. Reports

11.1 General Manager

11.1.1 Draft Review of the Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy for Public Exhibition (9753548)

Councillor Murray MOVED a POINT of ORDER that Councillor Stewart should speak to the policy. The Mayor accepted the POINT of ORDER.

Councillor Stewart asked if there is a breach of the Local Government Act, does the Division of Local Government have the option of taking a Councillor to the Tribunal.

The General Manager took this question on notice.

219 RESOLVED: Murray/Saliba

1. That the draft revised and amended *Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy* be placed on public exhibition in accordance with the provisions of the Local Government Act 1993 and Division guidelines, for a period of 42 days.
2. That the draft revised and amended policy, together with any public submissions, be reported back to Council for consideration following the close of the exhibition period.

CARRIED UNANIMOUSLY

11.1.2 Councillor Conference Expenses for 2011/2012 Financial Year (9753146)

220 RESOLVED: Saliba/Rankin

That this report be received and noted.

CARRIED UNANIMOUSLY

11.1.3 Compliance with the GIPA Act - Information Guide (9757895)

This item was considered following Addresses to Council (refer to resolution No. 216).

11.1.4 Monthly Investment Report - June 2012 (9751215)

221 RESOLVED: Murray/Saliba

That Council receive and note the attached Investment Portfolio reports, as at 30 June 2012.

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

11.2.1 2012 Community Survey (9755490)

This item was considered following Addresses to Council (refer to resolution No. 217).

11.3 Corporate Policy Directorate

11.3.1 Solar Panels and Council Trees Policy (9754305)

222 RESOLVED: Moran/Boyle

That Council approve the Public Exhibition of Solar Panels and Council Trees Policy for a period of 28 days.

CARRIED UNANIMOUSLY

11.3.2 Draft Community Land Plan of Management - Lot 5335 DP 1059696 and Lot 7221 DP 1044382 Southern Cross Blvd and Lot 5502 DP 1054105 Killalea Drive, Shell Cove: Proposed Advertising (9753198)

Councillor Moran referred to the advertising signs in Shell Cove and asked if they are on Council land and if so, does Council receive a payment from the Shell Cove Project for this signage.

The Director Shellharbour Enterprises took the question on notice.

223 RESOLVED: Murray/Saliba

1. That in accordance with the *Local Government Act 1993 (s38)*, the draft Plan of Management for Community Land for Lot 5335 DP 1059696 and Lot 7221 DP 1044382 Southern Cross Blvd and Lot 5502 DP 1054105 Killalea Drive, Shell Cove be placed on public exhibition for a period of not less than 28 days, but allowing a period of not less than 42 days after the

date on which the draft plan is first placed on public exhibition, during which time submissions may be made to Council.

2. That following the public exhibition and submission stage, a further report be presented to Council for consideration of any submissions and the adoption or otherwise of the draft Plan of Management for Community Land Lot 5335 DP 1059696 and Lot 7221 DP 1044382 Southern Cross Blvd and Lot 5502 DP 1054105 Killalea Drive, Shell Cove.

CARRIED UNANIMOUSLY

11.3.3 Tender 2012/04 - Design, Supply & Construction of Gross Pollutant Traps at Albion Park Rail & Warilla (9743002)

224 RESOLVED: Saliba/Murray

1. In accordance with Section 178 of the *Local Government (General) Regulation (2005)*, Council resolves to enter into a contract (Contract 2012/04) with Optimal Stormwater for the tender sum of \$667,000 excluding GST in accordance with Tender Document 2012/04.
2. Delegate to the Director Corporate Policy the authority to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.
3. That \$116,000 be allocated from the Stormwater Management Service Charge Program toward the 'Shellharbour War Memorial Park GPT' project to meet the additional project cost.

CARRIED UNANIMOUSLY

11.4 Shellharbour Enterprises Directorate

11.4.1 Shell Cove Progress Report - 29 July 2012 (9746422)

This item was considered following Addresses to Council (refer to resolution No. 218).

12. Committee Recommendations

Nil

13. Items for Information

Nil

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 07 August 2012

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 8.04 pm