

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 16 October 2012

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 16 October 2012 commencing at 6.31 pm**

Present

Mayor	M Saliba
Deputy Mayor	P Rankin
Councillor	K Marsh
Councillor	H Stewart
Councillor	J Murray
Councillor	P Moran

In attendance

General Manager	M Willis
Director City Outcomes	C McIntyre
Director Corporate Policy	L Furness
Director Shellharbour Enterprises	B Green
Group Manager City Strategy	G Hoynes
Group Manager Community Connections	K Baget-Juleff
Group Manager Finance	T Gearon
Group Manager Information & Customer Services	H Perera
Group Manager Infrastructure Services	M Boenisch
Group Manager City Development	G Meredith
Group Manager Customer & Environmental Services	G Standen
Executive Manager / Public Officer	F MastroDomenico
Manager Property & Recreation	D Flanagan
Manager Design	B Short
Manager Finance	P Henderson
Social & Community Infrastructure Planner	L Wellington
Media Officer	C Lewis
Executive Assistant	T Mattila
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 18 September 2012

271 RESOLVED: Marsh/Murray

That the Minutes of the Ordinary Council Meeting held on 18 September 2012 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.2 Extraordinary Meeting 18 September 2012

272 RESOLVED: Marsh/Murray

That the Minutes of the Extraordinary Council Meeting held on 18 September 2012 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED: 5/1

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

Business Arising:

The Mayor moved to change the meeting set for 6th November 2012 to the 13th November 2012.

CARRIED UNANIMOUSLY

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3. Apologies / Leave of Absence

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An apology was tendered on behalf of Councillor Boyle

273 RESOLVED: Murray/Rankin

That the apology as tendered be accepted

CARRIED UNANIMOUSLY

4. Confidential Business (Committee of the Whole)

Nil

5. Pecuniary Interest and Conflict of Interest Declarations

Note: Councillors and staff who declare a Pecuniary Interest at the Council Meeting are also required to complete a Pecuniary Interest Declaration form.

Councillor Marsh: Item 11.3.2 - Requests for Donation

Nature of Interest: Councillor Marsh declared that she is a patron of U3A Shellharbour.

6. Condolences

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

Mr Dennis Ryan	of	Albion Park
Mrs Susan Thelma Gladys Yates	of	Albion Park
Mr Christopher Ronald Hillis	of	Albion Park
Mrs Ann Anderson	of	Albion Park
Mr Bruce Smith	of	Albion Park
Mr David Meikle	of	Albion Park Rail
Mr Robert Smith	of	Barrack Heights

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Mrs Danica Tuntevski		of	Barrack Heights
Ms Judith Shearer		of	Barrack Heights
Mrs Julie Huzjan	formerly	of	Barrack Heights
Mrs Miriam McGrath	formerly	of	Barrack Heights
Mr Andrew Hall		of	Barrack Point
Mrs Ruth Down		of	Mt Warrigal
Mrs Alice McWhorter		of	Mt Warrigal
Mr Graham Horne		of	Mt Warrigal
Mrs Joy Curran		of	Oak Flats
Mrs Thelma June White		of	Oak Flats
Mrs Maureen Abercrombie		of	Oak Flats
Mrs Betty Oliver	formerly	of	Oak Flats
Mrs Yvonne Lickerman	formerly	of	Oak Flats
Mr John Wesley	formerly	of	Oak Flats
Mr George Pearson		of	Shellharbour
Mrs Anna Maul		of	Warilla
Mr Thomas Scott		of	Warilla

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7. Addresses to Council

Agenda Item No & Title	Name
11.1.1 Shellharbour City Hub Stage 1 Business Case (9794191)	Harry Gooden Dennis Chalker Alexander MacLeod Sonya McKay Robert Grimmett Steven Krinks Max Clay Richard Bottom
11.3.3 Tenders for Internal Auditor (9785627)	Sonya McKay
11.3.4 Keep Australia Beautiful Beverage Container Recycling Grant (9792541)	Steven Krinks
11.3.6 Proposed Agreement to Lease and Lease Agreement between Council and Australian Defence Force Cadets (ADFC): Lot 702 DP 1102696, Airport Road Albion Park Rail (9792156)	Adrian Miller Sonya McKay
12.1 Recommendations from the Shellharbour Traffic Committee Meeting held 5 September 2012 recommended for adoption.	Anna Lukies Harry Lukies

MOTION: Moran/Marsh

That an extension of time be granted to Ms McKay to present Item 11.3.3.

The MOTION on being put to the meeting was lost.

FOR VOTE - Cr Moran, Cr Marsh

AGAINST VOTE - Cr Saliba, Cr Rankin, Cr Murray, Cr Stewart

274 Murray/Rankin

That an extension of time be granted to Mrs Anna Lukies to present Item 12.1.

CARRIED UNANIMOUSLY

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The Mayor moved for a recess.

Meeting adjourned at 7.44pm

Meeting resumed at 7.55pm

275 RESOLVED: Marsh/Moran

That standing orders be suspended in order for Items 11.1.1, 11.3.3, 11.3.4 11.3.6, and 12.1, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

276 RESOLVED: Moran/Marsh

That the council meeting be adjourned and reconvene in Committee of the Whole in open session to consider Item 11.1.1 Shellharbour City Hub Stage 1 Business Case.

CARRIED: 4/2

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

AGAINST VOTE - Cr Murray, Cr Saliba

Meeting adjourned 8.00pm

Meeting resumed at 9.00pm

Adoption of recommendations from Committee of the Whole (in open session) held earlier this evening

11.1.1 Shellharbour City Hub Stage 1 Business Case (9794191)

277 RESOLVED: Murray/Rankin

1. That Council adopts the Final Business Case for the Shellharbour City Hub Stage 1 and the preferred Option 2a.
2. That Council endorses the Final Business Case for the Shellharbour City Hub Stage 1 undergoes detailed scrutiny through the Gateway Review Process.
3. That the Council agrees to enter into public consultation on the Long-Term Financial Plan funding scenarios as outlined in this report.

4. That Council proceeds with the engagement of an external project manager and the design team.
5. That all the proceeds from the property sales identified in the Business Case are to be dedicated to the City Hub Stage 1.

CARRIED: 4/2

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

11.1.1 Shellharbour City Hub Stage 1 Business Case (9794191)

This item was dealt with earlier in the agenda as a Committee recommendation from Committee of the Whole (in open session) see minute number 277.

11.3.3 Tenders for Internal Auditor (9785627)

278 RESOLVED: Moran/Murray

That the tender submitted by Inconsult Pty Ltd be accepted for the provision of Internal Audit services to Council for the four year period to 30 June 2016.

CARRIED UNANIMOUSLY

11.3.4 Keep Australia Beautiful Beverage Container Recycling Grant (9792541)

279 RESOLVED: Marsh/Murray

1. That the Council resolve to accept the grant funding of \$8,500 from Keep Australia Beautiful for the installation of public place recycling bins and a water refill station and drinking fountain in Reddall Reserve, Lake Illawarra.
2. That the Council allocate \$2,521 funding from Council's existing Water savings Action Plan Implementation allocation
3. That the Council allocate \$6315.00 funding from WaSIP that were surplus to the allocated budget for the Dunmore C & I audit.
4. That the budget be amended accordingly

CARRIED UNANIMOUSLY

11.3.6 Proposed Agreement to Lease and Lease Agreement between Council and Australian Defence Force Cadets (ADFC): Lot 702 DP 1102696, Airport Road Albion Park Rail (9792156)

280 RESOLVED: Rankin/Murray

That Council:

1. Rescind its resolution (Resolution Number 247) of 29 November 2011;
2. Enter into an agreement to lease and lease agreement for the occupation of Lot 702 DP 1102696 with the Australian Defence Force Cadets at a nominal annual rental of \$100.00 plus GST for a term of ten (10) years.

CARRIED UNANIMOUSLY

12.1 Recommendations from the Shellharbour Traffic Committee Meeting held 5 September 2012 recommended for adoption.

281 RESOLVED: Moran/Marsh

1. That the Recommendations from the Traffic Committee Meeting held 5 September 2012 be adopted except for Item 6.3. Request to move bus stop in Peterborough Avenue, Lake Illawarra.
2. Further that Item 6.3 Request to move bus stop in Peterborough Avenue, Lake Illawarra be referred back to the Traffic Committee to allow Mr and Mrs Lukies to make representation at the Traffic Committee Meeting.

CARRIED UNANIMOUSLY

282 RESOLVED: Marsh/Murray

That Standing orders be resumed

CARRIED UNANIMOUSLY

8. Mayor's Statements / Reports / Presentations

The Mayor outlined the functions/events she had attended since the Council Meeting of 18th September 2012.

9. Councillors' Reports

Nil

10. Mayoral Minutes

Nil

11. Reports

11.1 General Manager

11.1.1 Shellharbour City Hub Stage 1 Business Case (9794191)

This item was considered following Addresses to Council

11.1.2 Adoption of Revised Policy: Payment of Expenses and Provision of Facilities to the Mayor and Councillors (9790404)

283 RESOLVED: Murray/Rankin

That:

1. Council adopt the revised Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy, effective immediately; and
2. The General Manager advise the Division of Local Government of the adoption of its revised policy in keeping with S252 of the Local Government Act.

CARRIED UNANIMOUSLY

11.1.3 Monthly Investment Report - August 2012 (9790865)

284 RESOLVED: Marsh/Murray

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

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

11.2.1 Submission on the Draft NSW Long Term Transport Master Plan (9793653)

285 RESOLVED: Rankin/Murray

That Council endorse the Submission on the Draft NSW Long Term Transport Master Plan contained in Attachment 1 of this report and forward it to Transport for NSW by 26 October 2012.

CARRIED UNANIMOUSLY

11.2.2 Allocation of Old Section 94 funds toward office fit out at Centenary Hall to house Community Transport service (9792228)

286 RESOLVED: Marsh/Murray

That \$54,146 of Old Section 94 funds be transferred to the Community Transport operational budget to reimburse expenditure toward office fit out at Centenary Hall.

CARRIED UNANIMOUSLY

11.2.3 January Fines Amnesty (9791695)

287 RESOLVED: Marsh/Stewart

That Council endorse:

1. The implementation of a Food for Fines amnesty across Council's Libraries from 2 January 2013 to 31 January 2013.
2. Saint Vincent de Paul charity as the recipient of donated food items.

CARRIED UNANIMOUSLY

11.3 Corporate Policy Directorate

11.3.1 Adoption of Draft Policy: Solar Panels and Council Trees (9791125)

288 RESOLVED: Moran/Marsh

That Council adopt the Solar Panels and Council Trees Policy.

CARRIED UNANIMOUSLY

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11.3.2 Requests for Donation (9782182)

289 RESOLVED: Stewart/Marsh

Note: Councillor Marsh declared a non-pecuniary interest for Item 11.3.2 and remained in the Chamber

That Council make the following donations/contributions totalling \$4,915:

- | | | |
|-----|---|---------|
| 1. | Ist Albion Park Scout Group
- Local Approval Fee for 50 th Anniversary | \$215 |
| 2. | Arthritis Foundation NSW Warilla Branch
- Use of Port Kembla hydro pool | \$900 |
| 3. | Combined Churches - Carols by the Harbour
- Development Application Costs | \$500 |
| 4. | Combined Pensioner Association
- Assist end of year functions for local members | \$200 |
| 5. | Fairness in Child Support
- Hall hire and stationery needs | \$200 |
| 6. | Oak Flats Public School Billy Cart Derby
- Assist cover road closure & traffic management fees, stationery | \$500 |
| 7. | Red Cross Albion Park Branch
- 3 year Fee for Occupation Agreement for use of Centenary Hall | \$300 |
| 8. | Red Cross Oak Flats Branch
- 3 year Fee for Occupation Agreement for use of Oak Flats Neighbourhood Centre | \$300 |
| 9. | Shellharbour City U3A Inc
- Assist with costs of venue hire | \$1,000 |
| 10. | Shellharbour Junior Football Club
- Local Approval Application Fee for end of season function | \$150 |
| 11. | Tullimbar Titans Junior Rugby League Football Club
- Local Approval Application Fee for end of season function | \$150 |

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12. United Koori Elders Social Group \$500
- Costs associated with attendance at
Koori Mini-Olympics

CARRIED UNANIMOUSLY

Note: Cr Moran asked whether he could be supplied with a list of the unsuccessful applicants for donations and the General Manager undertook to provide this list to Councillors.

11.3.3 Tenders for Internal Auditor (9785627)

This item was considered following Addresses to Council

11.3.4 Keep Australia Beautiful Beverage Container Recycling Grant (9792541)

This item was considered following Addresses to Council

11.3.5 Acceptance of Grant Funding: Floodplain Risk Management Program for Horsley Creek, Elliott Lake and Macquarie Rivulet catchments (9792545)

290 RESOLVED: Stewart/Marsh

1. That Council endorse the acceptance of the NSW Government's funding offer of \$352,667 towards the Floodplain Risk Management Program, to conduct the Horsley Creek and Elliott Lake/Little Lake Floodplain Risk Management Studies and Draft Plans and the Macquarie Rivulet Flood Study.
2. That the Council allocate \$176,333.50 from the floodplain management budget and stormwater management service charge to supplement available matching funds.

CARRIED UNANIMOUSLY

11.3.6 Proposed Agreement to Lease and Lease Agreement between Council and Australian Defence Force Cadets (ADFC): Lot 702 DP 1102696, Airport Road Albion Park Rail (9792156)

This item was considered following Addresses to Council

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11.3.7 Renewal of the Licence Agreement with Illawarra Model Car Club Incorporated, Model Car Track at Croom Regional Sporting Complex (9792081)

291 RESOLVED: Marsh/Murray

That Council:

1. Commence the formal process of advertising the terms of the licence agreement for a period of twenty-eight (28) days.
2. After the twenty-eight (28) days should no objections be received, Council renew the licence agreement with Illawarra Model Car Club Inc. for a period of five (5) years for the occupation of the Model Car Track at Croom Regional Sporting Complex being Part Lot 1 DP 21677 and that the annual rental of \$1,500 be subsidised by 70.83% in accordance with Councils Community Halls & Centres Management Policy;
3. That Council note the "in-kind donation" of \$1,050 in Council's aggregate record of donations to the community
4. That the Mayor and General Manager or their nominated delegate be authorised to sign the licence agreements, under Council Seal.

CARRIED UNANIMOUSLY

11.3.8 Aquatic Facilities Working Party (9792153)

292 RESOLVED: Rankin/Stewart

1. Endorse the Terms of Reference for the Aquatic Working Party
2. Commence the process to engage two community representatives

CARRIED: 5/1

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

11.3.9 Provision of Valuation Services (9792012)

293 RESOLVED: Moran/Marsh

That Council receive this report.

CARRIED UNANIMOUSLY

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11.4 Shellharbour Enterprises Directorate

Nil

12. Committee Recommendations

12.1 Recommendations from the Shellharbour Traffic Committee Meeting held 5 September 2012 recommended for adoption.

This item was considered following Addresses to Council.

12.2 Recommendations from the Shellharbour Disabilities Services Advisory Committee Meeting held 12 September 2012 recommended for adoption.

294 RESOLVED: Stewart/Marsh

That the Recommendations from the Disabilities Services Advisory Committee Meeting held 12 September 2012 be adopted.

CARRIED UNANIMOUSLY

12.3 Recommendations from the Shellharbour Traffic Committee Meeting held 3 October 2012 recommended for adoption.

295 RESOLVED: Stewart/Marsh

1. That the Recommendations from the Traffic Committee Meeting held 3 October 2012 be adopted with the exception of Item 4.1 Follow up from Item 6.3 Request to move bus stop in Peterborough Avenue, Lake Illawarra
2. Further that Item 4.1 Follow up from Item 6.3 Request to move bus stop in Peterborough Avenue, Lake Illawarra be referred back to the Traffic Committee to allow Mr and Mrs Lukies to make representation

CARRIED UNANIMOUSLY

13. Items for Information

Nil

14. Notices of Rescission/Alteration Motions

Nil

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15. Notices of Motion

15.1 Notice of Motion submitted by Councillor Peter Moran: Council Vehicle Policy (9790733)

296 RESOLVED: Moran/Marsh

That the General Manager prepare a report to Council to advise of the Motor Vehicle Strategy for Council Vehicles and what options exist to reduce the environmental impact of Council's motor vehicles.

CARRIED: 5/1

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

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

Nil

17. Urgent Business

Cr Moran noted that the Save the Port Kembla Port Website used Council's logo without the consent of Council and requested that this matter be considered as a matter of urgent business.

The Mayor accepted this matter as urgent business.

MOTION: Moran/Saliba

That Council give permission for the use of our logo on the Save the Port Kembla Port website only where it identifies Shellharbour City Council as a supporter of the basic campaign "Save our Port" as resolved at Council's meeting on 18th September 2012.

During discussion Cr Marsh MOVED a POINT of ORDER and requested that Cr Saliba apologise to her for comments made in relation to Cr Marsh's use of the Mayoral chains whilst she was Mayor.

The Mayor stated that she apologised if she offended Cr Marsh.

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

The Mayor declared the Motion CARRIED on the Mayor's casting vote

Cr Stewart referred to the minutes of the Ordinary Meeting of the 18th September 2012 and stated that the report regarding the Land & Environment Court Case

where she had declared a Pecuniary Interest contained statements from the former Mayor Kellie Marsh (page 18 and 20 of the report) that were in her view not true and correct and that as the reported minutes are a legal document she did not have the opportunity to defend statements made in the report.

Cr Stewart asked a question of the General Manager as to why these statements were put in the report. The General Manager replied that what he wrote were the facts of the matter as presented to him. Cr Stewart advised that there were only two people who knew the truth and again stated that statements made in the report in her view were not true and correct.

Cr Marsh MOVED a POINT of ORDER that the comments made by Cr Stewart were a personal attack against her and that this is the first time that this matter has been brought up by Cr Stewart.

Prior to the Mayor ruling on Cr Marsh's POINT OF ORDER, Cr Moran MOVED a further POINT of ORDER to the effect that it is not appropriate for any councillor to impute improper motives regarding another Councillor and asked that Councillor Stewart withdraw the comment.

The Mayor upheld the POINT OF ORDER made by Cr Moran and requested that Cr Stewart have a private conversation with Cr Marsh outside the Council Chamber.

The Mayor ruled that this item was not a matter of urgent business but noted the comments that had been made.

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 9.58 pm