

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 30 April 2013

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 30 April 2013 commencing at 6.31 pm**

Present

Mayor	M Saliba
Deputy Mayor	P Rankin
Councillor	K Marsh
Councillor	D Boyle
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 Corporate Strategy	M Boxall
Group Manager Finance	T Gearon
Group Manager Infrastructure Services	M Boenisch
Group Manager City Development	G Meredith
Manager Financial Services	P Henderson
Manager Assets & Projects	G Standen
Manager Property	D Flanagan
Manager Risk Management Services	I Smith
Aboriginal Community Liaison Officer	V Bird
Senior Strategic Planner	C Lappin
Manager Community and Cultural Life	N Collins
Corporate Strategy Coordinator	S Farnham
Senior Executive Assistant	L Davey
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 9 April 2013

96 RESOLVED: Murray/Marsh

That the Minutes of the Ordinary Council Meeting held on 9 April 2013 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

6. Condolences

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

Mr Wayne Anthony Gunner	of	Albion Park
Mrs Shirley Weaver	formerly of	Albion Park
Miss Aphrodite Whipps	formerly of	Albion Park
Mrs Kathleen Tattler	of	Albion Park Rail
Mr Russell Critcher	of	Barrack Heights
Mr Peter Maxwell Phillips	formerly of	Barrack Heights
Mr Arthur Hockey	formerly of	Barrack Heights
Mr Perri Giovanni	of	Barrack Point
Mr Donald MacPhail	of	Oak Flats
Mrs Betty Norma Croshaw	of	Shellharbour
Mr Aaron Pinilla	of	Warilla
Mr Derek Hayes	formerly of	Warilla
Mr Ross Wilson	formerly of	Warilla

The Mayor also acknowledged the passing of Aboriginal Elder, Aunty Lila Lawrence who was a Member of Shellharbour Council's United Koori Elders Social Group.

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

7. Addresses to Council

Please note the following clauses from Council's Code of Meeting Practice:

13.3 Conduct of Addresses

13.3.1 The duration of individual addresses is strictly limited to three minutes including any summary and/or conclusion, however, the Mayor may exercise reasonable and limited discretion to extend this limit

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13.3.2 *Only the Chairperson is permitted to ask questions of any person addressing the Council.*

Agenda Item No & Title	Name
11.1.1 Public exhibition of the Draft Delivery Program 2013 - 2017, the Draft Operational Plan 2013 - 2014 (including the 2013/14 draft budget) (9910444)	Paul Hockey Sonya McKay
11.2.1 Planning Proposal - Shellharbour Local Environmental Plan 2013 - Am 5 - Part 2 Deferred Lands (9907086)	Martin Oberg Karen Edwards Trevor Unicomb Lawson Fredericks
11.2.2 Aboriginal Culture & Heritage Development Assessment Toolkit (9910256)	Barry Bird Agnes Donovan
11.3.1 Review of Council Policy on Financial Assistance - Donations (9914883)	Don Briggs John Leedham
13.1 Status Report - HARS Building (9910257)	Sonya McKay
16.2 Questions on Notice submitted by Cr Kellie Marsh: Illawarra Regional Airport	Sonya McKay

Meeting adjourned at 7.26pm

Meeting resumed at 7.35pm

Councillor Moran MOVED a POINT of ORDER that Councillors should be standing when addressing Council.

The Mayor accepted the POINT of ORDER and informed Councillors that she would only acknowledge those who stand when speaking. She then commenced to clarify a decision that was made at a previous Council meeting.

Councillor Moran MOVED a further POINT of ORDER that the Mayor was not speaking to an item on the agenda. The Mayor accepted the POINT of ORDER and advised that the meeting would now be conducted in line with the Code of Meeting Practice.

98 RESOLVED: Marsh/Boyle

That Standing Orders be suspended in order for Items 11.1.1, 11.2.1, 11.2.2, 11.3.1, 13.1, and 16.2, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED 6/1

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

11.1.1 Public exhibition of the Draft Delivery Program 2013 - 2017, the Draft Operational Plan 2013 - 2014 (including the 2013/14 draft budget) (9910444)

Following a request by Councillor Marsh, the Mayor called for a show of hands for Councillors who wished to remain seated whilst speaking due to impairment. Councillor Stewart, Councillor Boyle, Councillor Murray and Councillor Marsh raised their hands and the Mayor ruled that they could remain seated whilst speaking.

99 RESOLVED: Murray/Boyle

1. That Council endorse the Draft Delivery Program 2013 - 2017 including the Operational Plan 2013 - 2014 for the purposes of public exhibition.
2. That the amount of new loan borrowing application be \$997,000, with \$997,000 to be borrowed if required from government authorities or a recognised banking institution and secured by a mortgage over Council's consolidated income. The loan is to be utilised for capital works at the Shellharbour Tourist Park, noting that principal and interest payments to be met from the Crown Reserve restriction.

CARRIED 6/1

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

11.2.1 Planning Proposal - Shellharbour Local Environmental Plan 2013 - Am 5 - Part 2 Deferred Lands (9907086)

MOTION: Murray/Boyle

1. Council prepare a Planning Proposal to amend Shellharbour Local Environmental Plan 2013 to incorporate the proposed Planning Controls in Attachment 4.
2. Council prepare a draft clause to be included in the Planning Proposal and added to the written instrument of *Shellharbour Local Environmental Plan 2013* to incorporate provisions relating to the maximum number of allotments and dwelling houses for certain split zoned land as shown in Attachment 5.
3. The Council authorise the General Manager to submit the Planning Proposal (Draft *Shellharbour Local Environmental Plan 2013 Amendment 5*) to the NSW Department of Planning & Infrastructure in accordance with section 56 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.

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4. The Council delegate to the General Manager authority to make minor mapping and Local Environmental Plan instrument changes if and as required by the NSW Department of Planning & Infrastructure's LEP Review Panel and gateway determination.
5. The Draft *Shellharbour Local Environmental Plan 2013 Amendment 5* be publically exhibited in accordance with the gateway determination.
6. A report be submitted to the Council on the public exhibition of the Draft *Shellharbour Local Environmental Plan 2013 Amendment 5* detailing the outcomes of the community and government agency engagement.
7. The Draft *Shellharbour Local Environmental Plan 2013 Amendment 5* be reported back to the Council for final consideration and with further recommendations regarding adoption.

Councillor Marsh proposed the following amendment to the MOTION, which was not accepted by the Mover:

That lot 4250 Jamberoo Road Albion Park and lot 4300 Ulan Place Albion Park have 9 lots per site.

Councillor Moran proposed the following amendment to Item 1 of the MOTION which was not accepted by the Mover:

1. Council prepare a Planning Proposal to amend Shellharbour Local Environmental Plan 2013 to incorporate the proposed Planning Controls in Attachment 4 with the exception of Item 8 being Lot 11 DP 1128847 Huon Crescent Albion Park with that item being dealt with at a future meeting of council.

Councillor Moran then FORESHADOWED a MOTION that Items 2 - 7 be adopted as printed in the report with Item 1 of the recommendation to be amended as follows:

1. Council prepare a Planning Proposal to amend Shellharbour Local Environmental Plan 2013 to incorporate the proposed Planning Controls in Attachment 4 with the exception of Item 8 being Lot 11 DP 1128847 Huon Crescent Albion Park with that item being dealt with at a future meeting of council.

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

FOR VOTE - Cr Murray, Cr Saliba, Cr Boyle

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

The FORESHADOWED MOTION was seconded by Cr Marsh.

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Councillor Marsh proposed the following amendment to the FORESHADOWED MOTION, which was not accepted by the Mover:

That lot 4250 Jamberoo Road Albion Park and lot 4300 Ulan Place Albion Park have 9 lots per site.

The MOTION then became the FORESHADOWED MOTION and on being PUT to the meeting was CARRIED.

101 RESOLVED Moran/Marsh

1. Council prepare a Planning Proposal to amend Shellharbour Local Environmental Plan 2013 to incorporate the proposed Planning Controls in Attachment 4 with the exception of Item 8 being Lot 11 DP 1128847 Huon Crescent Albion Park with that item being dealt with at a future meeting of council.
2. Council prepare a draft clause to be included in the Planning Proposal and added to the written instrument of *Shellharbour Local Environmental Plan 2013* to incorporate provisions relating to the maximum number of allotments and dwelling houses for certain split zoned land as shown in Attachment 5.
3. The Council authorise the General Manager to submit the Planning Proposal (Draft *Shellharbour Local Environmental Plan 2013 Amendment 5*) to the NSW Department of Planning & Infrastructure in accordance with section 56 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.
4. The Council delegate to the General Manager authority to make minor mapping and Local Environmental Plan instrument changes if and as required by the NSW Department of Planning & Infrastructure's LEP Review Panel and gateway determination.
5. The Draft *Shellharbour Local Environmental Plan 2013 Amendment 5* be publically exhibited in accordance with the gateway determination.
6. A report be submitted to the Council on the public exhibition of the Draft *Shellharbour Local Environmental Plan 2013 Amendment 5* detailing the outcomes of the community and government agency engagement.
7. The Draft *Shellharbour Local Environmental Plan 2013 Amendment 5* be reported back to the Council for final consideration and with further recommendations regarding adoption.

CARRIED 6/1

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

11.2.2 Aboriginal Culture & Heritage Development Assessment Toolkit (9910256)

102 RESOLVED: Marsh/Rankin

That Council adopt the Aboriginal Culture and Heritage Development Assessment Toolkit dated 22 January 2013.

CARRIED UNANIMOUSLY

Councillor Marsh left the Chamber at 8.16pm

11.3.1 Review of Council Policy on Financial Assistance - Donations (9914883)

Councillor Marsh returned to the Chamber at 8.19pm

MOTION: Murray/Boyle

1. That the Strategic Framework as set out above be the basis for any decision making with regard to financial assistance under S 356 of the NSW Local Government Act.
2. That all forms of financial assistance as defined in this report, be administered subject to the Local Government Act and this Policy.
3. That all Council financial assistance defined as "donations" be channelled through the Donations Working Party.
4. That all continuing donations be time-bound to a maximum 5 years and where appropriate, decreasing and that they be formally reviewed by the Donations Working Party prior to the setting of the new budget.
5. That donations to charitable events be capped at no more than \$5,000 per annum. In the event that the Council decides to make an allocation greater than that amount, then that amount be reduced by 33% each year until it reaches the level of \$5,000 or such other lesser sum as the Council may determine.
6. This Council acknowledges the positive contribution made by the Sports Assistance Fund, over the past forty years.

That representatives of the Council meet with the Committee

The Sports Assistance Fund be invited to make an application to the Donations Working Party for a grant in 2013/14.

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7. That financial assistance in the form of subscriptions be referred to appropriate Directors for authorisation of payment.
8. That a report on Sponsorships be submitted to Council.
9. That all financial assistance by way of donations, subscriptions, sponsorships and rental relief be reported in the Annual Report.

Councillor Stewart FORESHADOWED a MOTION that Items 1-5 and 7-9 as printed in the report be adopted and that Item 6 be replaced with the following:

6. That Council continue to fund \$10,000 to the Shellharbour Sports Assistance Fund and be identified as a separate item in the budget.

The MOTION on being PUT to the Meeting was CARRIED

103 RESOLVED: Murray/Boyle

1. That the Strategic Framework as set out above be the basis for any decision making with regard to financial assistance under S 356 of the NSW Local Government Act.
2. That all forms of financial assistance as defined in this report, be administered subject to the Local Government Act and this Policy.
3. That all Council financial assistance defined as "donations" be channelled through the Donations Working Party.
4. That all continuing donations be time-bound to a maximum 5 years and where appropriate, decreasing and that they be formally reviewed by the Donations Working Party prior to the setting of the new budget.
5. That donations to charitable events be capped at no more than \$5,000 per annum. In the event that the Council decides to make an allocation greater than that amount, then that amount be reduced by 33% each year until it reaches the level of \$5,000 or such other lesser sum as the Council may determine.
6. This Council acknowledges the positive contribution made by the Sports Assistance Fund, over the past forty years.

That representatives of the Council meet with the Committee.

The Sports Assistance Fund be invited to make an application to the Donations Working Party for a grant in 2013/14.

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7. That financial assistance in the form of subscriptions be referred to appropriate Directors for authorisation of payment.
8. That a report on Sponsorships be submitted to Council.
9. That all financial assistance by way of donations, subscriptions, sponsorships and rental relief be reported in the Annual Report.

CARRIED 4/3

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

AGAINST VOTE - Cr Rankin, Cr Stewart, Cr Marsh

Business Arising:

Councillor Moran requested Council officers prepare a report investigating the possibility of setting up a sub group of the Donations Working Party that deals with requests for financial assistance from elite sports people.

Councillor Marsh left the Chamber at 8.28pm

13.1 Status Report - HARS Building (9910257)

Following a request from Councillor Moran, the Mayor ruled that given there was an address to Council on this item, that it was fair and reasonable that the Councillor who had raised the question should be able to comment also.

This item for information was formally noted.

16.2 Questions on Notice submitted by Cr Kellie Marsh: Illawarra Regional Airport

This item for information was formally noted.

Meeting adjourned at 8.41pm

Meeting resumed at 8.47pm

Councillor Marsh returned to the Chamber at 8.47pm

104 RESOLVED: Murray/Marsh

That standing orders be resumed.

CARRIED UNANIMOUSLY

8. Mayor's Statements / Reports / Presentations

The Mayor outlined the events she has attended since the last council meeting.

9. Councillors' Reports

Nil

10. Mayoral Minutes

Nil

11. Reports

11.1 General Manager

11.1.1 Public exhibition of the Draft Delivery Program 2013 - 2017, the Draft Operational Plan 2013 - 2014 (including the 2013/14 draft budget) (9910444)

This item was considered following Addresses to Council (refer to Resolution No 99)

11.1.2 Monthly Investment Report March 2013 (9904999)

Councillor Moran asked for clarification on how much of the \$1.3m over the budgeted amount with Council's expected returns on investments will go into restricted funds and how much will be returned to the general budget. The General Manager took the Question on Notice.

105 RESOLVED: Marsh/Murray

That Council receive and note the attached Investment Portfolio report, as at 31 March 2013.

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

11.2.1 Planning Proposal - Shellharbour Local Environmental Plan 2013 - Am 5 - Part 2 Deferred Lands (9907086)

This item was considered following Addresses to Council (refer to Resolution No 101).

11.2.2 Aboriginal Culture & Heritage Development Assessment Toolkit (9910256)

This item was considered following Addresses to Council (refer to Resolution No 102).

11.3 Corporate Policy Directorate

11.3.1 Review of Council Policy on Financial Assistance - Donations (9914883)

This item was considered following Addresses to Council (refer to Resolution No 103).

11.3.2 Requests for Donation (9901745)

MOTION: Rankin/Marsh

That Council provide financial assistance totalling \$4,000 to the following:

- | | |
|--|---------|
| 1. Healthy Cities Illawarra
- Deliver volunteer training sessions | \$2,000 |
| 2. Illawarra Koori Men's Support Group
- Tour Da Country health awareness ride | \$1,000 |
| 3. St Vincent de Paul-Albion Park Conference
- Material aid for local disadvantaged residents | \$500 |
| 4. St Vincent de Paul-Shellharbour City Conference
- Material aid for local disadvantaged residents | \$500 |

The Mayor proposed the following addition to the recommendation, which was accepted by the Mover:

5. That the balance be carried over to the next financial year.

106 RESOLVED: Rankin/Marsh

That Council provide financial assistance totalling \$4,000 to the following:

- | | |
|--|---------|
| 1. Healthy Cities Illawarra
- Deliver volunteer training sessions | \$2,000 |
| 2. Illawarra Koori Men's Support Group
- Tour Da Country health awareness ride | \$1,000 |
| 3. St Vincent de Paul-Albion Park Conference
- Material aid for local disadvantaged residents | \$500 |
| 4. St Vincent de Paul-Shellharbour City Conference
- Material aid for local disadvantaged residents | \$500 |
| 5. That the balance be carried over to the next financial year. | |

CARRIED UNANIMOUSLY

11.3.3 Landfill Cell No. 2 Contract 2012/43 - Variations to Project due to Design Change (9910657)

107 RESOLVED: Murray/Marsh

That Council receive and note this Report.

CARRIED UNANIMOUSLY

11.3.4 Renewal of Licence Agreement with Savvy Fitness South (9907850)

108 RESOLVED: Marsh/Boyle

1. That Council commence the formal process, including advertising and public exhibition, to renew the Licence agreement with Savvy Fitness South, for a period of twelve (12) Months.
2. That provided no objections are received, Council enter into a 12 month Licence Agreement with Savvy Fitness South for the use and occupation of the approved section of Beverley Whitfield Park to conduct commercial fitness training activities, for an annual amount of \$1,500 plus GST.
3. That the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the Licence Agreement under Council Seal.

CARRIED UNANIMOUSLY

11.3.5 Notification of Construction of Six Netball Courts at Croom Regional Sporting Complex (9907955)

109 RESOLVED: Murray/Marsh

That Council receive and note this report for the construction of the netball courts at Croom Regional Sporting Complex.

CARRIED UNANIMOUSLY

11.3.6 Hall of Fame (9910425)

110 RESOLVED: Murray/Boyle

That the Draft Hall of Fame Policy be placed on public exhibition for a period of 28 days.

CARRIED UNANIMOUSLY

11.4 Shellharbour Enterprises Directorate

Nil

12. Committee Recommendations

12.1 Recommendations from the Traffic Committee Meeting held 3 April 2013 recommended for adoption.

111 RESOLVED: Marsh/Murray

That the Recommendations from the Traffic Meeting held 3 April 2013 be adopted.

CARRIED UNANIMOUSLY

12.2 Recommendations from the Disabilities Services Advisory Committee Meeting held 8 April 2013 recommended for adoption.

112 RESOLVED: Saliba/Marsh

That the Recommendations from the Disabilities Services Advisory Committee Meeting held 8 April 2013 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

13.1 Status Report - HARS Building (9910257)

This item was considered following Addresses to Council.

13.2 Response to Questions on Notice submitted by Cr Kellie Marsh: Old Council Chambers Warilla (9910995)

13.3 Responses to Questions on Notice submitted by Cr Kellie Marsh and Cr John Murray (9911007)

13.4 Changes to the Waste and Sustainability Improvement Payment Program (9914891)

The items for information were formally noted.

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Councillor Stewart left the Chamber at 9.20pm

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

15.1 Notice of Motion submitted by Cr Kellie Marsh: Donations Working Party (9905923)

Councillor Stewart returned to the Chamber at 9.24pm

Councillor Stewart MOVED a POINT of ORDER that she took exception to a comment made by Councillor Moran to herself. The Mayor did not accept the POINT of ORDER but asked that Councillor Moran speak to the item.

113 RESOLVED: Marsh/Rankin

That all councillors be appointed to the Donations Working Party group to ensure fairness, inclusiveness and transparency.

CARRIED UNANIMOUSLY

15.2 Notice of Motion submitted by Cr Rankin: Code of Meeting Practice (9913831)

Councillor Rankin asked how soon the review of the Code of Meeting Practice can commence. The General Manager took the Question on Notice.

114 RESOLVED: Rankin/Stewart

That the General Manager prepare a report to Council on a review of the Code of Meeting Practice, in particular to include a review on Clauses 13.3.1 and 13.3.2.

CARRIED UNANIMOUSLY

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

16.1 Questions on Notice submitted by Cr Kellie Marsh: Shellharbour City Cemetery

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16.2 Questions on Notice submitted by Cr Kellie Marsh: Illawarra Regional Airport

16.3 Questions on Notice submitted by Cr Peter Moran: Shellharbour Wetlands

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

The Mayor acknowledged Councillor Stewart's birthday on 1 May 2013 and wished her all the best.

Meeting closed 9.42 pm