

# SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 21 May 2013

---

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Council Administration Centre  
Shellharbour City Centre  
on Tuesday 21 May 2013 commencing at 6.33 pm**

## Present

Mayor	M Saliba
Deputy Mayor	P Rankin
Councillor	K Marsh
Councillor	D Boyle
Councillor	H Stewart
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 Corporate Strategy	M Boxall
Group Manager Finance	T Gearon
Group Manager Information & Customer Services	H Perera
Group Manager Infrastructure Services	M Boenisch
Group Manager City Development	G Meredith
Executive Manager / Public Officer	F MastroDomenico
Manager Property	D Flanagan
Manager Assets & Projects	G Standen
Shell Cove Commercial Manager	K James
Tourism Manager	D Johnston
Media Officer	C Lewis
Corporate Strategy Coordinator	S Farnham
Property Officer	M Scozzafava
Council Liaison Officer	J Frasca
Acting Information Technology Manager	M Baez

**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 30 April 2013**

115 RESOLVED: Stewart/Rankin

That the Minutes of the Ordinary Council Meeting held on 30 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**

An apology was tendered on behalf of Councillor Murray.

**Committee of the Whole Council Meeting**

An apology was tendered on behalf of Councillor Murray.

116 RESOLVED: Marsh/Rankin.

That the apologies as tendered be accepted.

CARRIED UNANIMOUSLY

**4. Confidential Business (Committee of the Whole)**

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

**Set out below is Section 10A(2) of the Local Government Act 1993, in relation to Confidential Business:**

**10A(2) Which parts of a meeting can be closed to the public? The matters and information are the following:**

- (a) personnel matters concerning particular individuals;
- (b) the personal hardship of any resident or ratepayer;
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law;
- (f) matters affecting the security of the council, councillors, council staff or council property;
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

**CONFIDENTIAL ITEMS**

**4.1 Appointment of Independent Member to Council's Governance, Risk and Audit Committee (9928488)**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than councillors).

This report provides personal information of an individual. Discussion about personal information may be required and could be contrary to the public interest.

**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.

Nil.

## SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 21 May 2013

---

### 6. Condolences

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

Mrs Doris Whetton	of	Albion Park
Mrs Elizabeth Johnson	of	Albion Park
Mr Joseph Woodhouse	of	Albion Park
Mr Bobbie Drew	of	Albion Park Rail
Mr Douglas Keith Allen	of	Albion Park Rail
Mr Nathan William Fisher	of	Albion Park Rail
Mrs Yvonne Marion Spring	of	Flinders
Mrs Loris Mossop	of	Shellharbour
Mr Cec Veitch	of	Warilla
Mrs Coralie Duncan	of	Warilla
Mr Rafael Garcia Diaz	of	Warilla
Mrs Sylvia Tammjarv	of	Warilla

- 117 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.*

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

## SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 21 May 2013

---

Agenda Item No & Title	Name
4.1 Appointment of Independent Member to Council's Governance, Risk & Audit Committee	Sonya McKay
11.1.1 Third Quarter Review of Operational Plan 2012/13	Sonya McKay
16.1 Questions on Notice submitted by Cr Kellie Marsh: Wings Over Illawarra	Sonya McKay

118 RESOLVED: Marsh/Stewart

That Standing Orders be suspended in order for Items 4.1, 11.1.1 and 16.1, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

### 4.1 Appointment of Independent Member to Council's Governance, Risk and Audit Committee (9928488)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

(a) personnel matters concerning particular individuals (other than councillors).

This report provides personal information of an individual. Discussion about personal information may be required and could be contrary to the public interest.

NOTED. This item will be considered later in the agenda following item 18.

### 11.1.1 Third Quarter Review of the Operational Plan 2012/13 (9924180)

Councillor Rankin asked for advice as to what the ramifications would be if poker machines were reintroduced at the Links and how many licences council held. The General Manager took the Question on Notice.

119 RESOLVED: Marsh/Rankin

1. That the Quarterly Review of the Operational Plan for the quarter ended 31 March 2013 be received and endorsed.

## **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 21 May 2013

---

2. That Council adopt the March 2013 Quarter Budget Review with all recommended adjustments as part of this report.

CARRIED UNANIMOUSLY

### **16.1 Questions on Notice submitted by Cr Kellie Marsh: Wings Over Illawarra (9924479)**

120 RESOLVED: Marsh/Stewart

That Standing Orders be resumed.

### **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**

#### **10.1 Extending Mandated Nursing Hours/Ratios at Shellharbour Hospital (9925482)**

121 RESOLVED: Mayor Saliba

That Shellharbour City Council write to the Premier Barry O'Farrell and Health Minister Julian Skinner calling on the NSW Government to extend the mandated nursing hours/ratios across all NSW hospitals.

CARRIED 4/2

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

AGAINST VOTE - Cr Rankin, Cr Marsh

### **11. Reports**

#### **11.1 General Manager**

##### **11.1.1 Third Quarter Review of the Operational Plan 2012/13 (9924180)**

This matter was considered following Addresses to Council (refer Resolution No 119)

##### **11.1.2 2013/2014 Calendar of Events (9924534)**

122 RESOLVED: Marsh/Boyle

## **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 21 May 2013

---

1. That Council endorse the Calender of Events attached for 2013/2014.
2. That any additional non-budgeted events that do not fall under Civic Functions that are proposed to be included in the calendar be reported to Council individually for consideration.

CARRIED UNANIMOUSLY

### **11.1.3 Fixing of Mayor and Councillors' Annual Fees to be Paid to Councillors for the 2013/2014 Period (9926653)**

MOTION: Rankin/Boyle

That the Council set the annual fee for the Councillors at \$17,490.00 and the Mayoral additional fee at \$38,160 for the 2013/2014 period which is the maximum allowable within the range determined by the Remuneration Tribunal.

Councillor Moran FORESHADOWED a MOTION that the fees paid to councillors remain the same as the current year's fees.

123 RESOLVED: Rankin/Boyle

That the Council set the annual fee for the Councillors at \$17,490.00 and the Mayoral additional fee at \$38,160 for the 2013/2014 period which is the maximum allowable within the range determined by the Remuneration Tribunal.

CARRIED: 4/2

FOR VOTE - Cr Boyle, Cr Saliba, Cr Rankin, Cr Stewart

AGAINST VOTE - Cr Moran, Cr Marsh

## **11.2 City Outcomes Directorate**

### **11.2.1 Tourism Shellharbour Memorandum of Understanding (9928750)**

124 RESOLVED: Marsh/Rankin

1. That Council endorse the Memorandum of Understanding with Tourism Shellharbour.
2. That the General Manager, or his nominated delegate, be authorised to sign the Memorandum of Understanding between Shellharbour City Council and Tourism Shellharbour.

CARRIED 5/1

FOR VOTE - Cr Boyle, Cr Saliba, Cr Rankin, Cr Stewart, Cr Marsh

AGAINST VOTE - Cr Moran

The Mayor called a short recess.

**Meeting adjourned at 7.44pm**

**Meeting resumed at 7.57pm**

### **11.3 Corporate Policy Directorate**

#### **11.3.1 Adoption of Draft Policy: Naming of Council Assets after Individuals (9924135)**

MOTION: Marsh/Boyle

That Council adopt the Naming of Council Assets after Individuals Policy.

Councillor Moran proposed the following amendment to page 59, Item 6 of the business paper which was not accepted by the Mover or Seconder:

That elected political positions not be considered.

125 RESOLVED: Marsh/Boyle

That Council adopt the Naming of Council Assets after Individuals Policy.

CARRIED 4/2

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

#### **11.3.2 Bass Point Amenities Replacement (9922138)**

126 RESOLVED: Rankin/Boyle

That Council receive and note this Report.

CARRIED UNANIMOUSLY

#### **11.3.3 Options for Council Waste Clean Up Services (9921436)**

Councillor Rankin asked if Council could investigate what the illegal dumping costs are as opposed to a yearly drop off cost. The General Manager took the Question on Notice.

127 RESOLVED: Rankin/Marsh

That Council continue to provide the current partially subsidised on call clean up collection service.



CARRIED UNANIMOUSLY

**11.3.4 Tender 2012/20 - Myimbarr Stormwater Harvesting Construction Project (9922156)**

128 RESOLVED: Boyle/Rankin

1. In accordance with Section 178 of the *Local Government (General) Regulation (2005)*, Council enter into a contract (Contract 2012/20) with Optimal Stormwater for the tender sum of \$297,230 in accordance with Tender Document 2012/20.
2. That the General Manager, or his nominated delegate, be authorised to sign the Letter of Award.
3. Council allocate an additional \$20,000 from the Stormwater Services Management Charge to fund the Project.

CARRIED 5/1

FOR VOTE - Cr Boyle, Cr Saliba, Cr Moran, Cr Rankin, Cr Stewart

AGAINST VOTE - Cr Marsh

**11.3.5 Tender 2013/03 - Provision of Real Estate Consultancy Services**

129 RESOLVED: Rankin/Boyle

That Councillor Stewart be given a 2 minute extension of time to conclude her address.

CARRIED: 5/1

FOR VOTE - Cr Boyle, Cr Saliba, Cr Rankin, Cr Stewart, Cr Marsh

AGAINST VOTE - Cr Moran

130 RESOLVED: Boyle/Stewart

1. In accordance with Section 178 of the *Local Government (general) Regulation 2005*), Council resolves to enter into a contract with CBRE Pty Limited for the provision of real estate services in accordance with Tender Document 2013/03.
2. That the General Manager, or his nominated delegate, be authorised to sign the Letter of Award and other associated documentation.

FOR VOTE - Cr Boyle, Cr Saliba, Cr Stewart

AGAINST VOTE - Cr Moran, Cr Rankin, Cr Marsh

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

### **11.3.6 Tender 2013/06 - Managed Print Services Contract (9922587)**

131 RESOLVED: Rankin/Boyle

1. That Council resolves to enter into a contract with The Document Business Centre (Wollongong) Private Ltd trading as Fuji Xerox Business Centre Illawarra for the sum of \$814,110.00 excluding GST over a five year term in accordance with Tender Document 2013/06.
2. That the General Manager, or his nominated delegate, be authorised to sign the Letter of Award.

CARRIED UNANIMOUSLY

## **11.4 Shellharbour Enterprises Directorate**

### **11.4.1 Shell Cove - Progress Report to 12 May 2013 (9894687)**

132 RESOLVED: Marsh/Rankin

1. That the progress report for the period from 18 February 2013 to 12 May 2013 for the Shell Cove Project be received and noted.
2. That the Mayor and the General Manager, or his nominated delegate, be authorised to sign the Subdivision Plan and 88B Instrument for the subdivision of Lots 8249 & 8250 DP 1153225, and any documents as associated with the sale (including the Transfers) of proposed lots 8401 to 8421 (Stage 8B3), under Council Seal.

CARRIED UNANIMOUSLY

## **12. Committee Recommendations**

### **12.1 Recommendations from the Traffic Committee Meeting held 1 May 2013 recommended for adoption.**

MOTION: Stewart/Boyle

That the Recommendations from the Traffic Committee Meeting held 1 May 2013 be adopted.

Councillor Moran proposed that the recommendation from the Traffic Committee be adopted with the exception of Item 3.1 which was not accepted by the Mover.

## **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 21 May 2013

---

133 RESOLVED: Stewart/Boyle

That the Recommendations from the Traffic Committee Meeting held 1 May 2013 be adopted.

CARRIED 4/2

FOR VOTE - Cr Boyle, Cr Saliba, Cr Rankin, Cr Stewart

AGAINST VOTE - Cr Moran, Cr Marsh

### **13. Items for Information**

The Mayor and Councillor Stewart left the chamber at 9.21pm.

The Deputy Mayor took the Chair.

Councillor Moran MOVED a POINT of ORDER that Councillor Marsh be given the opportunity to ask questions on this item and the Acting Chair accepted the POINT of ORDER.

The Mayor returned to the Chamber at 9.24pm.

Councillor Stewart returned to the Chamber at 9.25pm.

**13.1 Response to Questions on Notice submitted by Cr Kellie Marsh: Shellharbour Cemetery (9922456)**

**13.2 Response to Question on Notice submitted by Cr Kellie Marsh: Future of City Libraries (9924428)**

**13.3 Response to Question on Notice submitted by Cr Peter Moran: Shellharbour Wetlands**

**13.4 Response to Question on Notice submitted by Cr Peter Moran: Resource Recovery Comparison (9924524)**

**13.5 Response to Question on Notice submitted by Cr Paul Rankin: Code of Meeting Practice (9926610)**

**13.6 Public Exhibition of Financial Assistance - Donations Policy (9925803)**

The items for information were formally noted.

## **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 21 May 2013

---

### **14. Notices of Rescission/Alteration Motions**

Nil

### **15. Notices of Motion**

#### **15.1 Notice of Motion submitted by Cr Kellie Marsh: Southern Phone Company (9923113)**

MOTION: Marsh/Moran

That all future dividends received from Southern Phones be immediately reported back to Council for Council's determination as to how the money will be spent.

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

1. That all future dividends received from Southern Phones be immediately reported back to Council for Council's determination as to how the money will be spent.
2. Dividends be set aside from general revenue.
3. Dividends are not to be spent on asset renewal projects.

134 RESOLVED: Marsh/Moran

That all future dividends received from Southern Phones be immediately reported back to Council for Council's determination as to how the money will be spent.

CARRIED UNANIMOUSLY

#### **15.2 Notice of Motion submitted by Cr Peter Moran: Bus Stop - Peterborough Avenue, Lake Illawarra (9927727)**

135 RESOLVED: Moran/Marsh

That Council officers provide a report to Council on the issues surrounding the siting of the bus stop outside 38/40 Peterborough Avenue, Lake Illawarra. That such a report refer to any Traffic Committee minutes that recommend any moving of the Bus Stop, as well as any other decisions made by Council officers. Such a report should also include any complaints made to Council relating to the Bus Stop.

CARRIED UNANIMOUSLY

## **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 21 May 2013

---

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

#### **16.1 Questions on Notice submitted by Cr Kellie Marsh: Wings Over Illawarra (9924479)**

This Item was considered following address to Council

### **17. Urgent Business**

136 RESOLVED: Marsh/Boyle

That Council write to the owners of the Aviator Lounge expressing their commiseration on the loss of business due to fire damage.

CARRIED UNANIMOUSLY

### **18. Committee of the Whole in Closed Session: Adjournment**

137 RESOLVED: Moran/Marsh

1. That Council not resolve to go into Committee of the Whole in Closed Session to consider item 4.1.
2. That Item 4.1 listed on the agenda to be considered in Committee of the Whole not be addressed at this meeting and that this report be reviewed and referred back to the next Ordinary Council meeting in open session.

CARRIED UNANIMOUSLY

**Meeting closed at 9.43pm**