

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 02 July 2013 commencing at 6.31 pm**

Present

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
Executive Manager / Public Officer	F MastroDomenico
Group Manager Community Connections	K Baget-Juleff
Group Manager City Services	R Crowhurst
Acting Group Manager City Development	M Fields
Group Manager Finance	T Gearon
Acting Group Manager Infrastructure Services	B Short
Manager Property & Recreation	D Flanagan
Aboriginal Community Liaison Officer	V Bird
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 Deputy Mayor read the usual advice regarding the webcasting of the meetings of the Council.

2. Confirmation of Minutes

2.1 Ordinary Meeting 11 June 2013

169 RESOLVED: Marsh/Boyle

That the Minutes of the Ordinary Council Meeting held on 11 June 2013 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.2 Extraordinary Meeting 12 June 2013

170 RESOLVED: Stewart/Boyle

That the Minutes of the Extraordinary Council Meeting held on 12 June 2013 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

3. Apologies / Leave of Absence

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An apology was tendered on behalf of Councillor Saliba.

171 RESOLVED: Stewart/Murray.

That the apology as tendered be accepted.

CARRIED 5/1

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

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.

Director City Outcomes: Item 11.3.9 Expression of Interest - Restart NSW Illawarra Infrastructure Fund

Nature of Interest: Director City Outcomes declared a non-pecuniary interest in this item as he is part owner of a competing child care service. He will continue to be involved in the matter as the interest will not effect his ability to act in an impartial manner, however, he will make no comment and provide no advice in relation to Council's child care centre.

Councillor Moran: Item 15.1 Notice of Motion submitted by Cr Kellie Marsh: Illawarra News Shellharbour Councillor of the Year 2013

Nature of Interest: Councillor Moran declared a non pecuniary interest for this item as he is named in the Motion. He will absent himself from the meeting during discussion and voting on the matter.

Councillor Marsh: Item 15.1 Notice of Motion submitted by Cr Kellie Marsh: Illawarra News Shellharbour Councillor of the Year 2013

Nature of Interest: Councillor Marsh declared a non pecuniary interest for this item as she was a nominee. She will remain in the room and debate and vote on the matter.

6. Condolences

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

Mr Gordon Orange	of	Albion Park
Mrs Iris McMahan	of	Albion Park Rail
Mr Kenneth William Richardson	of	Barrack Heights

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Mrs Lynne Webster	of	Barrack Heights
Mr Colin James Cleary	of	Barrack Heights
Mrs Cybil Creswick	of	Lake Illawarra
Mrs Ethel Costar	of	Oak Flats
Mrs Gloria Meryl Austin	of	Oak Flats
Mrs Ilona Varga	of	Oak Flats
Mrs Rosemary Morgan	formerly of	Oak Flats
Mrs Sarah Weekes	formerly of	Oak Flats
Mrs Mervyn Goldsmith	formerly of	Shellharbour
Mr Johann Meier	formerly of	Warilla
Mrs Maria Calaizis	of	Warilla

172 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.*

173 RESOLVED: Marsh/Moran

That standing orders be suspended to allow Gareth Ward MP, Member for Kiama, to Address the Council on Item 11.3.9.

CARRIED UNANIMOUSLY

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Agenda Item No & Title	Name
11.3.9 Expression of Interest - Restart NSW Illawarra Infrastructure Fund	Gareth Ward MP Member for Kiama

174 RESOLVED: Murray/Marsh
That standing orders be resumed.
CARRIED UNANIMOUSLY

Agenda Item No & Title	Name
11.3.5 Renewal of Lease Agreement to Access Private Land - 21 Brou Place, Flinders	Mr Francis Mostyn (<i>Not in attendance</i>)
11.3.7 Licence Agreement with Shellharbour Aboriginal Community Youth Association - Oakleigh Park Hall, Shellharbour Road, Warilla	Agnes Donovan Barry Bird
11.3.9 Expression of Interest - Restart NSW Illawarra Infrastructure Fund	Barry Bird Sonya McKay
11.4.1 Tender 2013/13: Minor Concrete Works	Don Briggs
13.1 Response to Question on Notice submitted by Cr Kellie Marsh: Wings over Illawarra	Sonya McKay
15.2 Notice of Motion submitted by Cr Marsh: Consumption of Alcohol	Don Briggs Sonya McKay

The Deputy Mayor noted that Mr Francis Mostyn was not present in the Public Gallery.

At the conclusion of Mr Briggs' address, Councillor Murray MOVED a POINT of ORDER that Councillor Marsh should not be asking questions of the speaker. The Deputy Mayor accepted the POINT of ORDER and ruled that Councillor Marsh should ask any questions during debate on the item.

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Following the ruling, Councillor Moran MOVED a POINT of ORDER that it has been the practice of the Council in the past at the conclusion of public participation to allow Councillors to ask questions through the Chairperson to the appropriate staff member. The Deputy Mayor did not accept the POINT of ORDER and stated that his ruling was in accordance with the Code of Meeting Practice.

MOTION: Marsh/Moran

That the Code of Meeting Practice be suspended to allow Councillors to seek clarification from Mr Don Briggs in relation to his Address to Council.

175 The MOTION on being PUT to the Meeting was LOST 2/4

FOR - Cr Moran, Cr Marsh

AGAINST - Cr Rankin, Cr Murray, Cr Stewart, Cr Boyle

Following comments made by Councillor Stewart, Councillor Moran MOVED a POINT of ORDER that a determination had been made and that the meeting should move on. Councillor Stewart clarified that she was asking a question.

176 RESOLVED: Murray/Stewart

That the meeting be adjourned for 5 minutes.

CARRIED UNANIMOUSLY

Meeting adjourned at 7.15pm

Meeting resumed at 7.23pm

177 RESOLVED: Stewart/Murray

That Standing Orders be suspended in order for Items 11.3.7, 11.3.9, 11.4.1, 13.1 and 15.2 the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

11.3.7 Licence Agreement with Shellharbour Aboriginal Community Youth Association - Oakleigh Park Hall, Shellharbour Road, Warilla (9948134)

178 RESOLVED: Murray/Marsh

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1. That Council commence the formal process, including advertising and public exhibition, to enter into a Licence agreement with Shellharbour Aboriginal Community Youth Association for a period of five (5) years.
2. That provided no objections are received, Council enter into a five (5) year Licence agreement with Shellharbour Aboriginal Community Youth Association for the occupation and use of Oakleigh Park Hall, Shellharbour Road, Warilla at an annual rental of, \$450 plus GST for the first year, \$950 plus GST for the second year, and \$1950 plus GST for the third year. Consumer Price Index will also be applied from the second anniversary of the commencement date and annually thereafter.
3. That Council note the "in-kind donation" of \$7,350 for the first year, \$6,850 for the second year and \$5,850 each year thereafter in Council's aggregate record of donations to the community.
4. That the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the Licence agreement under Council Seal.
5. That the Shellharbour Aboriginal Community Youth Association be encouraged to approach the Donations Working Party in the second year.

CARRIED UNANIMOUSLY

11.3.9 Expression of Interest - Restart NSW Illawarra Infrastructure Fund (9949754)

Note: Director City Outcomes declared a non pecuniary interest in Item 11.3.9 and remained in the Chamber.

179 RESOLVED: Marsh/Moran

1. That the projects included in Table 1 of this report be nominated for financial assistance by way of an expression of interest under the Restart NSW Illawarra Infrastructure Fund with the exception of :
 - Warilla Child Care Centre
 - City Library
2. Submit those expressions of interest by the closure date of 12 July 2013.

CARRIED 5/1

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

11.4.1 Tender 2013/13: Minor Concrete Works (9954210)

180 RESOLVED: Murray/Stewart

That Council accept all tenders for the provision of minor concrete works throughout the City for the period 1 July 2013 to 30 June 2015.

CARRIED 5/1

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

13.1 Response to Question on Notice submitted by Cr Kellie Marsh: Wings over Illawarra (9949807)

That the Item for Information be formally noted.

15.2 Notice of Motion submitted by Cr Kellie Marsh: Consumption of Alcohol (9953517)

MOTION: Marsh/Moran

1. That there be a total ban on the consumption of alcohol by councillors or council staff in the council chambers building prior to or after a general or extraordinary council meeting.
2. That the Mayor, Councillors and council staff that drive a council supplied motor vehicle do not drive the council vehicle after the consumption of any alcohol.

181 The MOTION on being PUT to the Meeting was LOST 2/4

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

182 RESOLVED: Murray/Marsh

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

183 RESOLVED: Murray/Moran

That the meeting be adjourned for 5 minutes.

CARRIED UNANIMOUSLY

Meeting adjourned at 8.06pm

Meeting resumed at 8.13pm

8. Mayor's Statements / Reports / Presentations

The Deputy Mayor stated that he has attended local schools to present the Beverley Whitfield Awards.

The Deputy Mayor presented to the General Manager a Roller Hawks singlet which was presented to him at a recent function together with a cheque from Bendigo Bank for sponsorship of the Amp it Up event.

9. Councillors' Reports

Councillor Stewart briefed Council on the National General Assembly conference she recently attended in Canberra with the Director City Outcomes.

10. Mayoral Minutes

Nil

11. Reports

11.1 General Manager

11.1.1 Monthly Investment Report for May 2013 (9944970)

184 RESOLVED: Marsh/Murray

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

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

11.2.1 2013 Building Design Guidelines (9945508)

185 RESOLVED: Murray/Marsh

That the Council adopt the Building Design Guidelines for Stage 2A within Tullimbar Village (Attachment 3).

CARRIED UNANIMOUSLY

11.3 Corporate Policy Directorate

11.3.1 Renewal of Lease of Laneway - Nakina Place, Oak Flats (9948127)

186 RESOLVED: Marsh/Stewart

1. That Council commence the formal process, including advertising and public exhibition, to enter into a Lease agreement with the landowners of No. 5 and No. 7 Nakina Place, Oak Flats for a period of five (5) years.
2. That provided no objections are received, Council enter into a five (5) year Lease agreement with the landowners of No. 5 Nakina Place, Oak Flats at a commencing rental of \$500 plus GST and No. 7 Nakina Place, Oak Flats at a commencing rental of \$250 plus GST. Consumer price Index is to be applied on the each anniversary of the commencement date, for the period of the lease.
3. That Council agree in principle to close the laneway adjoining No. 5 and No. 7 Nakina Place, Oak Flats.
4. That Council commence a formal road closure process for the laneway between No. 5 and No. 7 Nakina Place, Oak Flats by submitting a road closure application to the Department of Primary Industries, Crown Lands Division for assessment.
5. That provided no objections are received, upon approval for the road closure from the Department of Primary Industries, Crown Lands Division, Council enter into a Contract for Sale for the portion to the rear of the laneway with the landowner of No. 5 Nakina Place, Oak Flats for an amount of \$5000.
6. That the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the lease and closure under Council Seal.

CARRIED UNANIMOUSLY

11.3.2 Sponsorship of 2013 South Coast Tourism Awards (9949611)

MOTION: Murray/Boyle

That Council approve the sponsorship of the 17th Annual South Coast Tourism Awards to the value of \$2,750.

Councillor Marsh proposed an amendment to the Motion that the sponsorship amount be sought from Shellharbour Tourism, which was not accepted by the Mover.

Councillor Moran FORESHADOWED a MOTION that Shellharbour Tourism sponsor the 17th Annual South Coast Tourism Awards to the value of \$2,750.

The MOTION on being PUT to the Meeting was CARRIED

187 RESOLVED: Murray/Boyle

That Council approve the sponsorship of the 17th Annual South Coast Tourism Awards to the value of \$2,750.

CARRIED 4/2

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

11.3.3 Local Government Infrastructure Audit (9948604)

188 RESOLVED: Murray/Boyle

That Council receive and note this report.

CARRIED UNANIMOUSLY

11.3.4 Proposed Licence Agreement with Craft Warehouse Pty Ltd trading as Jetts Fitness Shellharbour: Harrison Park, Minga Avenue, Shellharbour City Centre (9947733)

189 RESOLVED: Murray/Stewart

1. That Council commence the formal process, including advertising and public exhibition, to renew the Licence agreement with Craft Warehouse

Pty Ltd trading as Jetts Fitness Shellharbour for a period of twelve (12) Months.

2. That provided no objections are received, Council enter into a 12 month Licence Agreement with Craft Warehouse Pty Ltd trading as Jetts Fitness Shellharbour for the use and occupation of the approved section of Harrison Park to conduct commercial fitness training activities, for an annual amount of \$2,200 plus GST.
3. Craft Warehouse Pty Ltd Tradings as Jetts Fitness are not permitted at anytime to occupy the Memorial area for group fitness training.
4. 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 Renewal of Licence Agreement to Access Private Land - 21 Brou Place, Flinders (9948356)

190 RESOLVED: Marsh/Boyle

1. That Council commence the formal process, including advertising and public exhibition, to enter into a Licence agreement with the landowners of 21 Brou, Place, Flinders for a period of five (5) years.
2. That provided no objections are received, Council enter into a five (5) year Licence agreement with 21 Brou Place, Flinders for the purpose of vehicle access over Lot 2185 in Deposited Plan 825735 for the consideration of \$1.
3. That Council waive the normal licence preparation fee for this matter given the circumstances of the case.
4. That the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the Licence agreement under Council Seal.
5. That Council commence the reclassification of Lot 2185 in Deposited Plan 825735 from Community to Operational land.

CARRIED UNANIMOUSLY

11.3.6 Licence Agreement with Shellharbour Aboriginal Community Youth Association - Oakleigh Park Tennis Court, Shellharbour Road, Warilla (9948137)

191 RESOLVED: Murray/Marsh

1. That Council commence the formal process, including advertising and public exhibition, to enter into a Licence agreement with Shellharbour Aboriginal Community Youth Association for a period of five (5) years.
2. That provided no objections are received, Council enter into a five (5) year Licence agreement with Shellharbour Aboriginal Community Youth Association for the occupation and use of Oakleigh Park, Tennis Court, Shellharbour Road, Warilla at an annual rental of \$50 with Consumer Price Index to be applied annually thereafter from the 1st anniversary.
3. That Council note the "in-kind donation" of \$150.00 per annum in Council's aggregate record of donations to the community.
4. That the Mayor and General Manager, or his nominated delegate, be authorised to sign all relevant documentation associated with the Licence agreement under Council Seal.

CARRIED UNANIMOUSLY

11.3.7 Licence Agreement with Shellharbour Aboriginal Community Youth Association - Oakleigh Park Hall, Shellharbour Road, Warilla (9948134)

This matter was considered following Addresses to Council (refer Resolution No. 178)

11.3.8 Adoption of Draft Policy: Hall of Fame (9948253)

192 RESOLVED: Marsh/Stewart

That Council adopt the Hall of Fame policy.

CARRIED UNANIMOUSLY

11.3.9 Expression of Interest - Restart NSW Illawarra Infrastructure Fund (9949754)

This matter was considered following Addresses to Council (refer Resolution No. 179)

11.4 Shellharbour Enterprises Directorate

11.4.1 Tender 2013/13: Minor Concrete Works (9954210)

This matter was considered following Addresses to Council (refer Resolution No. 180)

11.4.2 Tender 2013/14: Supply and Laying of Asphaltic Concrete (9954217)

193 RESOLVED: Murray/Boyle

1. That Council accept the tender of Boral Asphalt for the supply and laying of asphaltic concrete with Shellharbour City for the period 1 July 2013 to 30 June 2015.
2. That Council accept Fulton Hogan as a backup supplier for the supply and laying of asphaltic concrete within Shellharbour City for the period 1 July 2013 to 30 June 2015.

CARRIED 5/1

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

11.4.3 Tender 2013/15: Road Stabilisation Works (9953355)

194 RESOLVED: Murray/Stewart

That Council accept the tender of Roadworx and Downer Edi Works for the insitu road stabilisation works for the period 1 July 2013 to 30 June 2015.

CARRIED 5/1

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

11.4.4 Tender 2013/16: Supply of Traffic Management Services (9954223)

195 RESOLVED: Boyle/Stewart

That Council accept the tender from South East Traffic Management and Traffic Management Services for the supply of traffic management services for the period 1 July 2013 to 30 June 2015.

CARRIED 5/1

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

11.4.5 Tender 2013/17: Pavement Marking Services (9954234)

196 RESOLVED: Boyle/Stewart

That Council accept the tender from Wollongong Line Marking for pavement marking services for the period 1 July 2013 to 30 June 2015.

CARRIED 5/1

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

11.4.6 Tender 2013/18: Supply Only & Supply & Delivery of Road Pavement Materials (9947366)

197 RESOLVED: Stewart/Boyle

1. That Council accept the tender of SCE Recycling Pty Ltd for the supply and supply & delivery of DGB20, DGS20 and DGS40 road pavement material for the period 1 July 2013 to 30 June 2015.
2. That Council accept the tender of Boral Construction Pty Ltd for supply & delivery of 40mm drainage aggregate to the Dunmore Waste Depot.

CARRIED 5/1

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

11.4.7 Tender 2013/19: Supply & Delivery of Readymix Concrete (9947384)

198 RESOLVED: Stewart/Murray

1. That Council accept Cleary Bros (Bombo) Pty Ltd's tender for the supply and delivery of readymix concrete for the period 1 July 2013 to 30 June 2015.
2. That Council accept Boral Resources as a backup supplier of readymix concrete for the period 1 July 2013 to 30 June 2015.

CARRIED 5/1

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

11.4.8 Tender 2013/20: Supply & Spray Bitumen and Associated Services (9947389)

199 RESOLVED: Stewart/Murray

That Council accepts the tender from Roadworx and SRS Road Services for the supply & spray of bitumen and associated services for the period 1 July 2013 to 30 June 2015.

CARRIED 5/1

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

12. Committee Recommendations

12.1 Recommendations from the Traffic Committee Meeting held 5 June 2013 recommended for adoption.

200 RESOLVED: Stewart/Marsh

That the Recommendations from the Traffic Committee Meeting held 5 June 2013 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

13.1 Response to Question on Notice submitted by Cr Kellie Marsh: Wings over Illawarra (9949807)

This matter was considered following Addresses to Council.

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

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15.1 Notice of Motion submitted by Cr Kellie Marsh: Illawarra News Shellharbour Councillor of the Year 2013

Note: Councillor Moran declared a non pecuniary interest in Item 15.1 and left the Chamber whilst this matter was being considered at 8.52pm.

Note: Councillor Marsh declared a non pecuniary interest in Item 15.1 and remained in the Chamber.

MOTION: Marsh

That council acknowledge and congratulate Cr Peter Moran for being crowned Illawarra News Councillor of the Year 2013.

The MOTION lapsed for want of a Secunder.

Councillor Moran returned to the Chamber at 8.54 pm.

15.2 Notice of Motion submitted by Cr Kellie Marsh: Consumption of Alcohol (9953517)

This matter was considered following Addresses to Council (refer Resolution No. 181)

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

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 8.54 pm