

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 08 October 2013

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 08 October 2013 commencing at 6.40 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 Organisational Development	P Batman
Group Manager Finance	T Gearon
Group Manager Infrastructure Services	M Boenisch
Group Manager City Development	G Meredith
Executive Manager / Public Officer	F MastroDomenico
Manager - Assets and Projects	G Standen
Management Environment	M Fields
Team Leader Waste Management	C Williams
Media Officer	C Lewis
Senior Executive Assistant	L Davey
Council Liaison Officer (Minute Taker)	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 September 2013

311 RESOLVED: Marsh/Boyle

That the Minutes of the Ordinary Council Meeting held on 17 September 2013 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.2 Extraordinary Meeting 17 September 2013

312 RESOLVED: Marsh/Murray

That the Minutes of the Extraordinary Council Meeting held on 17 September 2013 as circulated be taken as read and confirmed as a correct record of proceedings with the following amendment:

That Councillor Moran be included as a delegate to the Albion Park Town Centre Project Control Group.

CARRIED UNANIMOUSLY

Business Arising

313 RESOLVED: Stewart/Marsh

That Councillor Boyle be appointed as the alternate delegate to the Shellharbour City Sports Assistance Fund Management Committee.

CARRIED UNANIMOUSLY

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 08 October 2013

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.

Mrs Beatrice Adeline Gillen	of	Albion Park
Mr Franz Sinnreich	of	Albion Park
Mr Mario Restante	of	Albion Park
Mr Maxwell Griffin	of	Albion Park
Mr Phillip Thomas Edwards	of	Albion Park
Mrs Johann Margaret Chalker	of	Albion Park Rail
Mr Leslie Clarke	of	Albion Park Rail
Mr Brett Wayne Lawton	of	Barrack Heights
Mr Ken Bramley	of	Barrack Heights
Mrs Doreen Catherine Kelloway	formerly of	Barrack Point
Mrs Barbara Vergara	of	Dunmore
Mrs Hazel Lacey	of	Flinders
Mr Ronald Frank Parton	of	Lake South
Mr Norm Barker	of	Oak Flats
Mr Allan Henry Warren	of	Shellharbour

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 08 October 2013

Mr Ernie Brennan of Shellharbour
Mr Geoffrey Charles Trott formerly of Shellharbour
Mrs Barbara Vergara formerly of Warilla
Mr Brian Patrick Livermore formerly of Warilla

314 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 four minutes with no extensions permissible*

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 Financial Update for the City Hub Project	Don Briggs Sonya McKay

Councillor Marsh left the chamber at 7.16pm

Councillor Stewart left the chamber at 7.17pm

Councillor Marsh here returned to the Chamber at 7.19pm

Councillor Stewart here returned to the Chamber 7.20pm

Ms McKay chose not to speak during her address to council on item 11.1.1 and stated that by not allowing her to record her address she could not protect herself so was protesting rather than speaking. Councillor Marsh stated that she would like to move that standing orders be suspended to enable Councillors to consider this issue. The Mayor stated that Ms McKay could use her allocated time as she wished.

Councillor Moran MOVED a POINT of ORDER that Ms McKay should be given four minutes to use as she wished. The Mayor accepted the POINT of ORDER and asked that the clock be commenced.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 08 October 2013

Councillor Rankin MOVED a POINT of ORDER that public address is to address the Council and the Mayor requested a resolution from Council.

MOTION: Rankin/Murray

That if the speaker does not intend to address the Council that Council continues with the remainder of the meeting.

Councillor Marsh MOVED a POINT of ORDER as she had previously indicated her intent to Move a MOTION. The Mayor did not accept the POINT of ORDER.

Councillor Rankin MOVED a POINT of ORDER in relation the content of Councillor Moran's address on the MOTION. The Mayor did not accept the POINT of ORDER and requested Councillor Moran continue his address.

Councillor Marsh MOVED a POINT of ORDER in relation to comments made by the Mayor during her address on the MOTION and the Mayor clarified her statement.

MOTION: Rankin/Murray

That if the speaker is not addressing Council that Council move forward with the rest of the meeting.

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

FOR VOTE - Cr Murray, Cr Rankin, Cr Saliba

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

The Mayor asked Ms McKay to continue her Address to Council. Ms McKay chose to remain silent for the remainder of the four minutes allocated for her address.

316 RESOLVED: Murray/Rankin

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

CARRIED UNANIMOUSLY

11.1.1 Financial Update for the City Hub Project (10014532)

MOTION: Murray/Boyle

That the information be received noting the following:

1. That in the event that the fixed price basis tender process does not deliver the required outcome consistent with the terms of the tender and within the

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 08 October 2013

funding set aside, then Council would have the legitimate option of declining all tenders.

2. That assuming the acceptance of a fixed price tender as set out in this report, the Council note that based on the financial scenarios contained in this report the City Hub is financially affordable.
3. That an increase in the originally projected loan raising as set out in Scenarios Three and Four of this report can be accommodated within the Council's Long Term Financial Plan.

Councillor Marsh MOVED a POINT of ORDER in relation to the Mayor's comments regarding a question she had raised. The Mayor asked the General Manager to respond and the General Manager provided a response.

Councillor Marsh MOVED a POINT of ORDER during Councillor Rankin's address in relation to comments he made in relation to her address. The Mayor did not accept the POINT of ORDER and asked Councillor Rankin to continue.

Following Councillor Rankin's address, Councillor Marsh provided a personal explanation in relation to her POINT of ORDER.

During Councillor Murray's Right of Reply, Councillor Marsh MOVED a POINT of ORDER that Councillor Moran was not given the opportunity to address the Council before the Mover's Right of Reply. The Mayor did not accept the POINT of ORDER and stated that she thought all councillors had the opportunity to speak and asked Councillor Murray to continue.

Councillor Moran then MOVED a POINT of ORDER that Councillor Murray should not be raising new questions during his Right of Reply. The Mayor did not accept the POINT of ORDER and Councillor Moran moved a Motion of Dissent from the Mayor's ruling.

MOTION: Moran/Marsh

That the Mayor's ruling be dissented from.

317 The MOTION on being PUT to the Meeting was lost 3/4

FOR: Cr Moran, Cr Marsh, Cr Stewart

AGAINST: Cr Murray, Cr Rankin, Cr Saliba, Cr Boyle

318 RESOLVED: Murray/Boyle

That the information be received noting the following:

1. That in the event that the fixed price basis tender process does not deliver the required outcome consistent with the terms of the tender and within the

funding set aside, then Council would have the legitimate option of declining all tenders.

2. That assuming the acceptance of a fixed price tender as set out in this report, the Council note that based on the financial scenarios contained in this report the City Hub is financially affordable.
3. That an increase in the originally projected loan raising as set out in Scenarios Three and Four of this report can be accommodated within the Council's Long Term Financial Plan.

CARRIED: 5/2

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

AGAINST VOTE - Cr Moran, Cr Marsh

319 RESOLVED: Murray/Marsh

That standing orders be resumed.

CARRIED UNANIMOUSLY

Meeting adjourned 8.00pm

Meeting resumed at 8.10pm

8. Mayor's Statements / Reports / Presentations

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

9. Councillors' Reports

Councillor Rankin outlined details of his attendance at AMP it Up and the Local Government Conference.

Councillor Marsh outlined details of her attendance at the Local Government Conference.

10. Mayoral Minutes

Nil

11. Reports

11.1 General Manager

11.1.1 Financial Update for the City Hub Project (10014532)

This item was considered following Addresses to Council (refer Resolution No. 318)

11.1.2 Monthly Investment Report - August 2013 (10015691)

320 RESOLVED: Marsh/Murray

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

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

11.2.1 Modification to 88B Instrument - Lot 2809, DP 1157943, 46 Dillon Road, Flinders (10014922)

321 RESOLVED: Marsh/Rankin

1. That the Council approve the requested modification to the drainage easement on Lot 2809 of DP 1157943.
2. That the General Manager, or his nominated delegate, be authorised to sign the appropriate documentation for and on behalf of Council.

CARRIED UNANIMOUSLY

11.2.2 Adoption of Draft Policy: Swimming Pool Barrier Inspection Program (10014926)

322 RESOLVED: Rankin/Marsh

That Council adopt the Swimming Pool Barrier Inspection Program policy.

CARRIED UNANIMOUSLY

11.2.3 Office of Environment & Heritage: Coastal Management Program - Grant Funding Offer (9973322)

323 RESOLVED: Boyle/Murray

1. That the Council accept the grant funding of \$15,000 from the NSW Office of Environment & Heritage for Warilla Beach Dune and Habitat Rehabilitation Project
2. That the Council allocate \$15,000 matching funding from Council's existing Beach Maintenance Program allocation for Warilla Beach Dune and Habitat Rehabilitation Project.

CARRIED UNANIMOUSLY

11.3 Corporate Policy Directorate

11.3.1 Requests for Financial Assistance (10014446)

Councillor Moran left the Chamber at 8.29pm

Councillor Moran here returned to the Chamber at 8.33pm

324 RESOLVED: Rankin/Boyle

1. That Council provide financial assistance from the miscellaneous donations budget totalling \$4,800 to the following:
 1. Oak Flats Garden Club \$500
- Assist with running costs for the club
 2. Greenacres Disability Services \$500
- Use of Oak Flats Pool for clients over the summer period
 3. Albion Park Girl Guides \$800
- Provide outside improved external lighting
 5. St Vincent de Paul - Albion Park Conference \$2,100
- Purchase laptop and printer for client interviews
 6. St Vincent de Paul - Shellharbour City Conference (up to \$500)
- Material aid and counselling for disadvantaged - sum
reliant on cost of laptop and printer for Albion Park conference
 10. Shellharbour local government area schools \$900
- end of year awards

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 08 October 2013

2. That the following three organisations receive Sponsorship funding as indicated:
 1. RYDA Road Safety Program \$9,000
- Road Safety Education programme
 2. Life Education Illawarra \$5,000
- preventative health and drug education
 3. Shellharbour Sports Assistance Fund \$10,000
- sports assistance & Sports Star of the Year Awards

3. That the following groups each receive equal proportions of the remaining 30% of proceeds from Australia Day Breakfast by the Lake 2014, Cash for City Charities programme, up to the amount requested in their individual applications:
 1. St Vincent de Paul Society - Shellharbour Conference
 2. St Vincent de Paul Society - Albion Park Conference
 3. Shellharbour City U3A
 4. Warilla / Shellharbour Arthritis Foundation
 5. Shellharbour Hospital Auxilliary
 6. Shellharbour City Art Society Inc.

Further, that in the event that there is a surplus, that is, more money is available from the allocated 30% of funds than the amounts requested by each of the applicants, that surplus will be added to the 70% which is distributed to the community service groups who assist Council with the Australia Day Breakfast by the Lake event.

4. That the following groups receive funding from Council's Small Environmental Grants programme, as detailed below:
 - Barrack Heights Public School - Barrack Heights Regeneration Project: Creating Homes for the Little Birds \$2,000
 - Lake Illawarra High School - A beautiful garden - a bio diverse garden \$1,050
 - Warilla Baptist Preschool Inc - Going Green at Warilla Baptist Preschool (allocated funding reduced by \$200 from application) \$1,200
 - Shellharbour Anglican College - Create an outdoor classroom \$2,095
 - Peterborough School - Turning waste into better things \$990
 - Albion Park Public School - Sustainable school garden and \$2,165

worm farm project (allocated funding reduced by \$230 from application)

- Mount Terry Primary School - Living Classroom Development and Continuation (allocation limited to \$500) \$500

Further, that the applications from Warilla Preschool & Occasional Care and Mt Warrigal Public School be declined, as these projects received lower assessment scores.

Further, that an officer from Council's Environment Team contact Warilla Preschool & Occasional Care and Mt Warrigal Public School, to discuss possible ways to strengthen their applications for future years.

CARRIED UNANIMOUSLY

11.3.2 Donations for Elite Sports People

325 RESOLVED: Rankin/Boyle

That Council continue to support elite athletes through its support of the Shellharbour Sports Assistance Fund and the Illawarra Academy of Sport.

CARRIED UNANIMOUSLY

11.3.3 Proposed Road Naming - Morningson Court, Shell Cove (10001923)

326 RESOLVED: Murray/Stewart

1. That Council proceed with the advertising and notification of the proposed road name Morningson Court, Shell Cove for Stage 5 of the Shell Cove development in accordance with the requirements of the Roads Act 1993 and the Roads Regulation 2008.
2. That if no objections are received within the advertising period the name be approved and notified.

CARRIED UNANIMOUSLY

11.3.4 Tenders for Collection Services 2013/22 (10015518)

327 RESOLVED: Murray/Moran

1. That Council enter into a contract with Remondis Australia Pty Ltd for collection of Residual Waste, Recyclables, Organics, Hard Waste and associated Education and Customer Services for a period of 7 years and any extension granted in accordance with the proposed contract, at the

rates contained in the tender, being rates which produce a projected annual sum of \$2,647,193 excluding GST (\$2,634,428 where Wollongong City Council also determine to accept the Remondis tender).

2. That the Mayor and General Manager, or his nominated delegate, be authorised to execute the Contract through the signing of the Formal Instrument of Contract under Council Seal.

CARRIED UNANIMOUSLY

11.3.5 Tender for Recyclables Processing 2013/23 (10015523)

328 RESOLVED: Moran/Murray

1.
 - a) In accordance with the Local Government (General) Regulation 2005, Clause 178(1)(b), Council decline to accept any of the tenders which Council has received for the acceptance, transfer, sorting and recovery of recyclables and resolve to enter into negotiations with one, all, or any other parties with a view to entering into a contract in relation to the subject matter of the tender.
 - b) In accordance with the Local Government (General) Regulation 2005, Clause 178(3)(e), the reason for Council hereby resolving to enter into negotiations and not inviting fresh tenders is that only two tenderers demonstrated the ability to satisfactorily provide the service. It is anticipated that a satisfactory outcome can be achieved with one of those parties who have demonstrated a capacity and ability to undertake the works.
2. Council delegate to the General Manager the authority to undertake and finalise the negotiations, firstly with one or all of the tenderers, and, in the event of failure of negotiations with those tenderers, any other parties, with a view to entering into a contract in relation to the subject matter of the tender.

CARRIED UNANIMOUSLY

11.4 Shellharbour Enterprises Directorate

Nil

12. Committee Recommendations

Nil

13. Items for Information

Nil

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

15.1 Notice of Motion submitted by Cr John Murray: Code of Meeting Practice (10013740)

329 RESOLVED: Murray/Marsh

That Clause 12.3.5 of the Code of Meeting Practice adopted by Council at its Extraordinary Meeting on 17 September 2013 be amended to read:

12.3.5 Council records all Ordinary and Extraordinary meetings held in the Council Chamber including those parts of the meeting which are held in Committee of the Whole (in Confidential Session) or those parts of the meeting closed to the public. Council webcasts all Ordinary and Extraordinary meetings held in the Council Chamber excluding those parts of the meeting which are held in Committee of the Whole (in Confidential Session) or those parts of the meeting closed to the public.

CARRIED UNANIMOUSLY

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

16.1 Questions on Notice submitted by Cr Kellie Marsh: Illawarra Regional Airport Terminal (10015700)

17. Urgent Business

At Councillor Stewart's request, the Director Corporate Policy provided an update on the winding up of the Lake Illawarra Authority.

18. Committee of the Whole in Closed Session: Adjournment

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 08 October 2013

19. **Committee of the Whole: Consideration of Adoption of Decisions Reached in Closed Session**

20. **Consideration of Motions to Declassify Reports Considered in Closed Session**

Meeting closed 8.52 pm