

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 19 November 2013

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 19 November 2013 commencing at 6.30 pm**

Present

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

In attendance

General Manager	M Willis
Acting Director City Outcomes	M Boxall
Director Corporate Policy	L Furness
Acting Director Shellharbour Enterprises	C McIntyre
Group Manager City Strategy	G Hoynes
Acting Group Manager Corporate Strategy	T James
Group Manager Finance	T Gearon
Executive Manager / Public Officer	F MastroDomenico
Manager Property and Recreation	D Flanagan
General Manager The Links Shell Cove	R Stephenson
Acting Manager Financial Services	P Maguire
Senior GIS Officer	L McFarlane
Media Officer	C Lewis
Senior Executive Assistant	L Davey
Council Liaison Officer (Minute Taker)	J Frasca

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 19 November 2013

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 29 October 2013

150 RESOLVED: Stewart/Rankin

That the Minutes of the Ordinary Council Meeting held on 29 October 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 Moran

151 RESOLVED: Marsh/Boyle

That the apologies 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.

Nil

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 19 November 2013

6. Condolences

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

Mr Peter Hodsdon	of	Oak Flats
Mr Gregory Higgins	of	Albion Park
Mr Peter James Steven Smith	of	Albion Park
Mr Ron Nicholls	of	Albion Park
Mr Alfio Paterno	of	Albion Park Rail
Ms Hellen Marsh	of	Albion Park Rail
Mrs Joan Cashman	of	Albion Park Rail
Mr Manuel Ciguenza	of	Albion Park Rail
Mrs Diamando Mavridis	of	Balarang
Mr Terry Baldwin	of	Barrack Heights
Mrs Margaret Anne Bradley	of	Blackbutt
Mrs Freda Austin	of	Oak Flats
Mrs Melania Takacs	of	Oak Flats
Ms Sandra Castro	of	Oak Flats
Mrs Thelma Heckenberg	of	Oak Flats
Mrs Valma Hoogwerf	of	Oak Flats
Mrs Kathleen Hopkins	of	Warilla
Mr Lawson Stratton	of	Warilla
Mrs Lynette Williams	of	Warilla

152 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:

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 19 November 2013

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
11.3.1 Appointment of Independent Member of Council's Governance, Risk and Audit Committee	Sonya McKay

153 RESOLVED: Marsh/Murray

That Standing Orders be suspended in order for Item 11.3.1, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

11.3.1 Appointment of Independent Member of Council's Governance, Risk and Audit Committee (10042988)

154 RESOLVED: Murray/Rankin

That Council appoint Mr Ian Reynolds to the current vacancy in the independent membership of Council's Governance, Risk and Audit committee, for the remainder of the three year period to 30 June 2016.

CARRIED UNANIMOUSLY

155 RESOLVED: Murray/Rankin

That standing orders be resumed.

CARRIED UNANIMOUSLY

8. Mayor's Statements / Reports / Presentations

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

9. Councillors' Reports

The Deputy Mayor outlined the training he attended recently.

10. Mayoral Minutes

10.1 Disposal of waste as a result of storm damage (Attachment 1)

156 RESOLVED: Mayor Saliba

1. That the Council waives tip fees for residents who have significant amounts of debris to be disposed of due to the storm event on Friday 15 November 2013 as outlined in the process in the report.
2. That free disposal of garden waste be offered to all Shellharbour residents until 29 November 2013 with proof of residency.
3. That residents that have been left with a considerable amount of food spoil be entitled to a free Irregular Collection of their garbage bin.

CARRIED UNANIMOUSLY

11. Reports

11.1 General Manager

11.1.1 First Quarter Review of the Operational Plan 2013/14 (10048697)

~~Councillor Stewart asked if Council was going through the process of making existing bus shelters wheelchair friendly~~ asked what was the process used to identify the priority listing for new bus shelters. *(Amended as per Min No. 176 10 December 2013)*

The Director Corporate Policy took the Question on Notice.

157 RESOLVED: Boyle/Murray

1. That the First Quarterly Review of the Operational Plan 2013/14 for the quarter ended 30 September 2013 be received and endorsed.
2. That Council adopt the September 2013 Quarter Budget Review with all recommended adjustments as contained in this report and attachments.

CARRIED UNANIMOUSLY

11.1.2 The Waterfront, Shell Cove - Report of the Waterfront Activities Group - Stream 1: Planning (10043450)

158 RESOLVED: Murray/Marsh

1. That Council endorses the report of Stream 1 of the Waterfront Activities Group titled "Waterfront Activities Group - Stream 1 Planning - Report 1.0"
2. That further reports of the Waterfront Activities Group be provided to Council as they are prepared.

CARRIED UNANIMOUSLY

11.1.3 Councillor Conference Expenses for 2012/2013 Financial Year (10042794)

159 RESOLVED: Rankin/Boyle

That this report be received and noted.

CARRIED UNANIMOUSLY

11.1.4 Christmas / New Year Closure of Council Operations (10042919)

160 RESOLVED: Murray/Rankin

That this report be received and noted.

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

11.2.1 Acceptance of delegation for making Local Environmental Plans (10041320)

161 RESOLVED: Rankin/Murray

1. That Council accept the delegations from the Minister for Planning & Infrastructure to:
 - a. make a Local Environmental Plan under section 59(2) of the *Environmental Planning and Assessment Act*; and
 - b. determine to not make a proposed Local Environmental Plan under section 59(3) of the *Environmental Planning and Assessment Act*; and

- c. defer inclusion of certain matters in a proposed Local Environmental Plan under section 59(3) of the *Environmental Planning & Assessment Act*; and
 - d. identify which matters must be reconsidered and which stages of the plan-making process must be carried out again prior to resubmission, if the Council defers the proposal or if a matter is deferred from the proposed Local Environmental Plan under section 59(4) of the *Environmental Planning and Assessment Act*.
2. That Council accept the delegations as a Council and delegate them to the General Manager and with the General Manager's approval, delegate the function to the Director of City Outcomes and the Group Manager City Strategy.

CARRIED UNANIMOUSLY

11.2.2 Adoption of Planning Proposal 2 - Shellharbour Local Environmental Plan 2013 - 23 George Street, Warilla (10041307)

162 RESOLVED: Marsh/Murray

1. That Council adopt the Planning Proposal to amend Schedule - 1 Additional Permitted Uses of Shellharbour Local Environmental Plan 2013 to allow 'office premises' with development consent at Lot 16 DP 23454, 23 George Street, Warilla, as contained in Attachment 2.
2. That Council authorise the General Manager to request the Minister for Planning prepare the Draft Local Environmental Plan under section 59(1) and make the Plan under section 59(2) and (3) of the *Environmental Planning & Assessment Act 1979*.
3. That Council delegate to the General Manager authority to make minor mapping and wording changes if and as required by the Director General of the NSW Department of Planning & Infrastructure or the Parliamentary Counsel's Office.

CARRIED UNANIMOUSLY

11.2.3 Draft Economic Development Strategy (10042574)

163 RESOLVED: Murray/Boyle

1. That Council endorse the Draft Shellharbour City Economic Development Strategy 2014-2018 for the purposes of public exhibition.

2. That submissions be invited from members of the public during the public exhibition period.
3. That the Draft Shellharbour City Economic Development Strategy 2014-2018 be reported back to Council with further recommendations on adoption following consideration of any submissions received.

CARRIED UNANIMOUSLY

11.3 Corporate Policy Directorate

11.3.1 Appointment of Independent Member of Council's Governance, Risk and Audit Committee (10042988)

This item was considered following Addresses to Council (refer Resolution No. 354)

11.3.2 NSW Grants Commission Advice (10040292)

164 RESOLVED: Murray/Rankin

That Council note that no new revenue or expenditure disabilities have been identified in the past year, to warrant submission to the Grants Commission.

CARRIED UNANIMOUSLY

11.3.3 Office of Environment & Heritage: Coastal Management Program - Grant Funding Offer: Lake Illawarra Entrance Channel Dredging and Warilla Beach Nourishment (10040206)

165 RESOLVED: Murray/Rankin

That the Council:

1. Reject the grant funding of \$200,000 from the NSW Office of Environment & Heritage for Lake Illawarra Entrance Channel Dredging and Warilla Beach Renourishment;
2. Monitor and assess the stability of Warilla Beach to determine an appropriate intervention timeframe.
3. Consider funding opportunities for Warilla Beach based on the outcome of recommendation 2 above.

CARRIED 5/1

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

11.3.4 Proposed Licence Agreement: Beachside Personal Training, Eric Creary Park, Junction Road, Barrack Point (10040301)

166 RESOLVED: Boyle/Marsh

1. That Council commence the formal process to enter into a 12 month Licence agreement with Beachside Personal Training, including advertising and exhibition of the proposal.
2. That provided no objections are received, Council enter into a 12 month Licence agreement with Beachside Personal Training for the use and occupation of part of Eric Creary Park, Junction Road, Barrack Point, to conduct commercial fitness training activities, at an annual rental of \$2,200 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 Proposed Licence Agreement: Run at Me Fitness, Grey Park, Town Street, Shellharbour (10040286)

167 RESOLVED: Marsh/Boyle

1. Council enter into a 12 month Licence agreement with Run at Me Fitness for the use and occupation of part of Grey Park, Towns Street, Shellharbour, to conduct commercial fitness training activities, at an annual rental of \$1,500 plus GST.
2. 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

11.3.6 Deed of Acquisition, Compensation and Licence for Oak Flats Land between Council and Transport NSW (10040259)

168 RESOLVED: Murray/Marsh

That the Mayor and General Manager, or his nominated delegate, be authorised to execute and affix the Seal of Council to the Deed of Acquisition,

Compensation and Licence with Transport for NSW for lands at Oak Flats being Lot 3 in DP 1062155 and proposed Lots 100, 102 and 103.

CARRIED UNANIMOUSLY

11.3.7 Draft Road Naming and Addressing Policy (10025535)

169 RESOLVED: Boyle/Marsh

1. That Council adopt the Draft Road Naming and Addressing Policy for the purposes of public exhibition.
2. That the Draft Policy be placed on public exhibition allowing for public submissions for a period of twenty-eight (28) days.
3. That following the close of the public exhibition period, if any relevant submissions are received, the Draft Policy, together with those public submissions, be reported back to Council for consideration.
4. That if no submissions are received during the public exhibition period, the Draft Policy be adopted without a further report to Council.
5. That Council give delegation to the General Manager to approve and authorise Road Names which comply with the adopted Policy as amended from time to time.

CARRIED UNANIMOUSLY

11.4 Shellharbour Enterprises Directorate

11.4.1 Southern Rivers Catchment Management Authority: Contain and Connect: Protecting coastal ecosystems in Southern NSW - Grant Funding Offer (10041431)

170 RESOLVED: Murray/Marsh

That the Council accept the grant funding of \$40,000 from the Southern Rivers Catchment Management Authority for Contain and Connect: Protecting coastal ecosystems in Southern NSW - Bass Point

CARRIED UNANIMOUSLY

11.4.2 Tender 2013/49 Golf Cart Changeover (10047661)

171 RESOLVED: Murray/Boyle

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 19 November 2013

1. In accordance with Section 178 of the Local Government (General) Regulation (2005) that Council enter into a contract (2013/49) with Golf Carts Group to:
 - (a) Accept a purchase price for Council's 58 existing golf carts of \$119,636.36 exclusive of GST plus an additional \$545.45 exclusive of GST to be paid for every golf cart not provided with a new battery from the signing of the contract through to the start of the contract on 1 July 2014.
 - (b) Payment by Council of a lease rate per week over 48 months of \$26.47 exclusive of GST (as per tendered document 2013/49).
2. That the General Manager, or his nominated delegate, be authorised to sign the formal documentation to award the contract.

CARRIED UNANIMOUSLY

12. Committee Recommendations

12.1 Recommendations from the Aboriginal Advisory Committee Meeting held 1 October recommended for adoption.

172 RESOLVED: Marsh/Stewart

That the Recommendations from the Aboriginal Advisory Committee Meeting held 1 October be adopted.

CARRIED UNANIMOUSLY

12.2 Recommendations from the Traffic Committee Meeting held 6 November recommended for adoption.

173 RESOLVED: Stewart/Murray

That the Recommendations from the Traffic Committee Meeting held 6 November be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

Nil

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 19 November 2013

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

Nil

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

17. Urgent Business

Councillor Marsh asked what opportunities are available to achieve a greater volume of water storage in the existing facilities at The Links Shell Cove for the purpose of course irrigation?

Councillor Rankin asked is there a water bore available in the Killalea Reserve that could be utilised by The Links Shell Cove to deliver additional water for irrigation of the course?

The Mayor ruled that this matter was not urgent business and referred the question to the Acting Director Shellharbour Enterprises who took the Questions on Notice.

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

Meeting closed 7.34 pm

Attachment:

1. 10.1 Mayoral Minute: Disposal of waste as a result of storm damage

Attachment 1: Mayoral Minute: Disposal of waste as a result of storm damage

Subject Minutes Ordinary Council Meeting 19 November 2013

To my fellow Councillors

Mayoral Minute

Summary

Shellharbour experienced a large storm event on Friday 15 November 2013. There are a number of properties who have a significant amount of debris to be disposed of. Under Council's fees and charges policy Council can resolve to waive these fees by resolution.

Background

Council staff have proposed the following be considered as a means for residents to dispose of the debris in a responsible manner:

That residents affected will need to notify Council by the 29 November 2013 to be entitled to this process. Following a site inspection by Council Officers, eligible residents will be provided with a Notice of Free Disposal which will need to be presented to the weighbridge operator prior to disposal.

Free disposal of garden waste will be offered to **all Shellharbour residents** until 29 November 2013. Proof of residency will need to be provided at the weighbridge for fees to be waived.

Residents presenting at the Waste Depot requesting free tipping without the Notice of Free Disposal will have to pay the appropriate fee and no reimbursement will be offered.

Residents that have been left with a considerable amount of food spoil from the blackout be entitled to a free Irregular Collection of their garbage bin.

Recommendation

- 1. That the Council waives tip fees for residents who have significant amounts of debris to be disposed of due to the storm event on Friday 15 November 2013 as outlined in the process above.**
- 2. That free disposal of garden waste be offered to all Shellharbour residents until 29 November 2013 with proof of residency**

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 19 November 2013

- 3. That residents that have been left with a considerable amount of food spoil be entitled to a free Irregular Collection of their garbage bin.**



Approved for Council's consideration: _____

Attachments

1. Nil