

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 25 February 2014 commencing at 6.30 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
Acting Director City Outcomes	M Boxall
Director Corporate Policy	L Furness
Acting Director Shellharbour Enterprises	C McIntyre
Executive Manager/Public Officer	F MastroDomenico
Group Manager Infrastructure Services	M Boenisch
Group Manager City Services	R Crowhurst
Group Manager Finance	T Gearon
Acting Group Manager Corporate Strategy	T James
Manager Property & Recreation	D Flanagan
Manager Financial Services	P Henderson
Shell Cove Commercial Manager	K James
Manager Assets & Projects	G Standen
Team Leader Waste	C Williams
Media Officer	C Lewis
Senior Executive Assistant (Minute Taker - part)	L Davey
Council Liaison Officer (Minute Taker - part)	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 and Emergency Plan Statement

The Deputy Mayor read the usual advice regarding the webcasting of the meetings of the Council and the emergency plan for Council Meetings.

2. Confirmation of Minutes

2.1 Ordinary Meeting 10 December 2013 and reconvened 4 February 2014

28 RESOLVED: Boyle/Murray

That the Minutes of the Ordinary Council Meeting held on 10 December 2013 and reconvened on 4 February 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

Business Arising

29 RESOLVED: Stewart/Marsh

That Page 16 of the Minutes of the Ordinary Council Meeting held on 10 December 2013 and reconvened on 4 February 2014 be amended to read as follows:

"Councillor Rankin made a public apology *to Mr Harry Gooden* in relation to comments he made at a public meeting held on Sunday 2 February 2014 at the Oak Flats Neighbourhood Centre".

CARRIED UNANIMOUSLY

2.2 Ordinary Meeting 4 February 2014

30 RESOLVED: Boyle/Murray

That the Minutes of the Ordinary Council Meeting held on 4 February 2014 as circulated be taken as read and confirmed as a correct record of proceedings with the addition of the following Points of Order at Item 15.3:

"Councillor Marsh MOVED a POINT of ORDER in relation to comments made by the Mayor during her address. The Mayor ruled that it was not a POINT of ORDER. Councillor Moran then MOVED a POINT of ORDER and stated that the Mayor cannot rule against a POINT of ORDER without first hearing what the POINT of ORDER is. The Mayor then asked Councillor Marsh for details of her POINT of ORDER and Councillor Marsh stated that her POINT of ORDER related to the Mayor not speaking to the item. The Mayor did not accept the POINT of ORDER and continued her address."

CARRIED UNANIMOUSLY

Business Arising

Councillor Stewart stated that she expected that the explanation given by Councillor Marsh at Item 17 would be recorded in the minutes. The Executive Manager/Public Officer stated that the webcast would need to be reviewed.

3. Apologies / Leave of Absence

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An apology was tendered on behalf of Councillor Saliba.

31 RESOLVED: Stewart/Murray.

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

Nil

6. Condolences

The Deputy Mayor acknowledged the passing of Councillor Marsh's mother Mrs Nanette Price who passed away on 17 February 2014 in Bathurst.

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

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Mrs Christine Whitmore	of	Albion Park
Mrs Dorothy Nancye Netta Evans	of	Albion Park
Mr Lance William Bentley	formerly of	Albion Park
Mr Bob Graham	of	Albion Park Rail
Mrs Helen Trudgett	of	Albion Park Rail
Mrs Faith Mary Lucas	of	Barrack Heights
Mr Pat Ring	of	Flinders
Mrs Maria Rampin	of	Mt Warrigal
Mrs Norma Kathleen Martin	of	Oak Flats
Mrs Rita Dwyer	of	Oak Flats
Mr Douglas Henry Kehlet	of	Shell Cove
Mr Robert Rowles	of	Shell Cove
Ms Georgina McNeice	of	Shellharbour
Mrs Nancy Lyons	of	Shellharbour
Mr Michael Healey	of	Warilla

32 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.*

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Agenda Item No & Title	Name
11.1.1 Second Quarter Review of Operational Plan 2013/14 and First Biannual Review of the Delivery Program 2013-2017	Sonya McKay
11.1.2 Submission on Independent Local Government Review Panel Paper 'Revitalising Local Government'	Sonya McKay
11.2.1 Draft Economic Development Strategy	Sonya McKay

33 RESOLVED: Boyle/Marsh

That Standing Orders be suspended in order for Items 11.1.1,11.1.2 and 11.2.1 the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

11.1.1 Second Quarter Review of the Operational Plan 2013/14 and First Biannual Review of the Delivery Program 2013 - 2017 (10098635)

MOTION: Murray/Boyle

1. That the Second Quarterly Review of the Operational Plan 2013/14 for the quarter ended 31 December 2013 be received and endorsed.
2. That the First Biannual Review of the Delivery Program 2013 - 2017 for the period of 1 July to 31 December 2013 received and endorsed.
3. That Council adopt the December 2013 Quarter Budget Review with all recommended adjustments as contained in this report and attachments.

In relation to Council's contribution of \$380,935 for the sale of land – 6 lots – Shell Cove Stage 6F2 DP 1174570, Councillor Moran asked the following:

- (a) what has Council's total contribution to this development been?
- (b) are these the six lots proposed to be owned by Council and developed by the Project with all the profits to go back to the Council?
- (c) are they in fact still on line to produce a surplus over development costs of \$1.6M as the community were told in May 2011?

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The Group Manager Finance took the Questions on Notice.

Councillor Moran MOVED a POINT of ORDER in relation to the General Manager's comments and stated that the General Manager should not take part in the debate. The Deputy Mayor stated that the General Manager wished to clarify some information and asked the General Manager to continue.

MOTION: Moran/Marsh

That the Deputy Mayor's ruling be dissented from.

34 The MOTION on being PUT to the Meeting was LOST on the Deputy Mayor's Casting Vote

FOR VOTE – Cr Moran, Cr Marsh, Cr Stewart

AGAINST VOTE – Cr Rankin, Cr Murray, Cr Boyle

Councillor Moran MOVED a POINT of ORDER in relation to Councillor Murray's request for the General Manager to clarify some information and stated it was not up to the General Manager to provide his opinion. Councillor Murray clarified his question to the General Manager and the Deputy Mayor asked the General Manager to respond.

35 RESOLVED: Murray/Boyle

1. That the Second Quarterly Review of the Operational Plan 2013/14 for the quarter ended 31 December 2013 be received and endorsed.
2. That the First Biannual Review of the Delivery Program 2013 - 2017 for the period of 1 July to 31 December 2013 received and endorsed.
3. That Council adopt the December 2013 Quarter Budget Review with all recommended adjustments as contained in this report and attachments.

CARRIED UNANIMOUSLY

11.1.2 Submission on Independent Local Government Review Panel Paper 'Revitalising Local Government' (10099023)

MOTION: Moran/Marsh

1. That this report be received.
2. That the Council re-iterates its opposition to that part of the 'Revitalising Local Government' report's recommendations dealing with compulsory election of Mayors by electors.

3. That the Council indicate any other matters it would wish to include in its submission.

Councillor Marsh proposed the following addition to the Motion, which was accepted by the Mover:

4. That the submission include reference to the significant role played by the Councillors to the community on a near full time basis.

36 RESOLVED: Moran/Marsh

1. That this report be received.
2. That the Council re-iterates its opposition to that part of the 'Revitalising Local Government' report's recommendations dealing with compulsory election of Mayors by electors.
3. That the Council indicate any other matters it would wish to include in its submission.
4. That the submission include reference to the significant role played by the Councillors to the community on a near full time basis.

CARRIED UNANIMOUSLY

11.2.1 Draft Economic Development Strategy (10099558)

Councillor Moran asked what was the unemployment rate in Australia in 1993 and what was the unemployment rate in Shellharbour at that time. The General Manager took the Question on Notice. (Refer to Item 11.4.1 for clarification and expansion of this Question on Notice)

37 RESOLVED: Murray/Boyle

That Council adopt the Shellharbour City Economic Development Strategy 2014-2018.

CARRIED UNANIMOUSLY

38 RESOLVED: Murray/Marsh

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Meeting adjourned at 7.42 pm

Meeting resumed at 7.50 pm

8. Mayor's Statements / Reports / Presentations

Nil

9. Councillors' Reports

Nil

10. Mayoral Minutes

10.1 Mayoral Minute: SWITCH 2013 Public Libraries Conference (10097716)

39 RESOLVED: Marsh/Stewart

That the report be noted and Council acknowledge the commitment of staff from Shellharbour City Library Services.

CARRIED UNANIMOUSLY

11. Reports

11.1 General Manager

11.1.1 Second Quarter Review of the Operational Plan 2013/14 and First Biannual Review of the Delivery Program 2013 - 2017 (10098635)

This item was considered following Addresses to Council (refer to Resolution No 35).

11.1.2 Submission on Independent Local Government Review Panel Paper 'Revitalising Local Government' (10099023)

This item was considered following Addresses to Council (refer to Resolution No 36).

11.1.3 Monthly Investment Report - January 2014 (10380828)

40 RESOLVED: Murray/Marsh

That Council receive and note the attached Investment Portfolio report, as at 31 January 2014.

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

11.2.1 Draft Economic Development Strategy (10099558)

This item was considered following Addresses to Council (refer to Resolution No 37).

11.3 Corporate Policy Directorate

11.3.1 Notification of Lighting Upgrade at Myimbarr Sports Centre (10096112)

MOTION: Marsh/Boyle

That Council receive and note this report for the construction of additional lighting at the Myimbarr Community Park.

Councillor Moran asked is Myimbarr the only existing active open space in City East that requires upgraded facilities and were any alternatives considered to spending it at Myimbarr? The Director Corporate Policy took the Question on Notice.

Councillor Moran FORESHADOWED a MOTION that should the MOTION be lost he would move the following:

That this item be deferred until the next Council Meeting.

41 RESOLVED: Marsh/Boyle

That Council receive and note this report for the construction of additional lighting at the Myimbarr Community Park.

CARRIED 5/1

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

11.3.2 Tender for Recyclables Processing 2013/23 (10098552)

42 RESOLVED: Murray/Boyle

1. Council accept the proposal of Visy Paper Pty Ltd & Visy Industries Australia Pty Ltd for a Transfer Station located at Wollongong Waste and Resource Recovery Part, to accept, transfer, sort and recover recyclables for a period of twelve (12) years and any extension granted in accordance with the proposed contract, at the rates contained in the proposal, being rates which produce a projected annual sum of \$269,500 excluding GST.
2. Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required to give effect to this resolution.

CARRIED 5/1

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

11.4 Shellharbour Enterprises Directorate

11.4.1 Shell Cove Progress Report to 16 February 2014 (10074948)

MOTION: Marsh/Murray

1. That the progress report for the period from 2 December 2013 to 16 February 2014 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 Plan of Final Restrictions and 88B Instrument for Lot 206 DP 857030 and Lot 8422 DP 1169822, or the lots that succeed those lots under registered plans of subdivision (Stage 10D2), under Council Seal.

Councillor Moran asked to clarify and expand on his previous Question on Notice relating to historical unemployment rates in Shellharbour (at Item 11.2.1). Councillor Moran asked that it be expanded to:

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- (a) what was the population of the Shellharbour local government area in 1993?
- (b) what was the unemployment rate of the Shellharbour local government area in 1993 or the smallest statistical grouping which contains Shellharbour local government area?
- (c) what was the unemployment rate in Australia in that year?

In relation to Stage 2 of the Boat Harbour construction works, Councillor Marsh asked has this been linked to our Aboriginal Employment Strategy and is it possible to get some more general information in this period that this report covers how the Aboriginal Employment Strategy has been undertaken and the outcomes from it. The Shell Cove Commercial Manager took the Question on Notice.

Councillor Marsh asked is the land at Flinders located next to the Flinders Public School still earmarked for a high school. The General Manager took the Question on Notice.

43 **RESOLVED:** Marsh/Murray

1. That the progress report for the period from 2 December 2013 to 16 February 2014 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 Plan of Final Restrictions and 88B Instrument for Lot 206 DP 857030 and Lot 8422 DP 1169822, or the lots that succeed those lots under registered plans of subdivision (Stage 10D2), under Council Seal.

CARRIED UNANIMOUSLY

12. Committee Recommendations

12.1 Recommendations from the Australia Day Committee Meeting held 14 January 2014 recommended for adoption.

44 **RESOLVED:** Marsh/Moran

That the Recommendations from the Australia Day Committee Meeting held 14 January 2014 be adopted.

CARRIED UNANIMOUSLY

12.2 Recommendations from the Australia Day Committee Meeting (in Committee of the Whole) held 14 January 2014 recommended for adoption.

45 **RESOLVED:** Marsh/Moran

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That the Recommendations from the Australia Day Committee Meeting in Committee of the Whole held 14 January 2014 be adopted.

CARRIED UNANIMOUSLY

12.3 Recommendations from the Traffic Committee Meeting held 5 February 2014 recommended for adoption.

46 RESOLVED: Stewart/Murray

That the Recommendations from the Traffic Committee Meeting held 5 February 2014 be adopted.

CARRIED UNANIMOUSLY

12.4 Recommendations from the Council Development Advisory Committee Meeting held 5 February 2014 recommended for adoption.

47 RESOLVED: Stewart/Marsh

That the Recommendations from the Council Development Advisory Committee Meeting held 5 February 2014 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

Nil

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

15.1 Notice of Motion submitted by Councillor Moran: Red Cedar Trees (10099980)

48 RESOLVED: Moran/Marsh

That Council officers prepare a report on the possibility of establishing a grove of red cedar trees on Council owned land. Such a report should include details of

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the areas within the LGA known to support populations of Red Cedar, and estimated numbers of Red Cedars in those areas.

CARRIED UNANIMOUSLY

15.2 Notice of Motion submitted by Cr Moran: Traffic Islands and Roundabouts (10099992)

49 RESOLVED: Moran/Stewart

That Council officers prepare a report on the costs and benefits of replacing grass and mulch with native ground covers on suitable traffic islands and roundabouts.

CARRIED UNANIMOUSLY

15.3 Notice of Motion submitted by Cr Moran: City Hub (10103949)

MOTION: Moran/Marsh

That Council officers prepare a report for the April 8 meeting of Council, or earlier, on the possibility of Council having public opinion polling done in relation to support for, or lack of support for, the Shellharbour City Hub. Such a report should refer to at least three public opinion polling/market research companies, one of which shall be ReachTEL. Such a report shall include:

- a) the cost of providing a survey of Shellharbour LGA residents which shall have a margin of error of 3% or less,
- b) the time frame required to conduct such research.

During a statement by the General Manager, Councillor Marsh MOVED a POINT of ORDER that discussion was moving away from the Motion. The Deputy Mayor ruled against the POINT of ORDER and stated that the General Manager is responding to questions raised by Councillor Moran and asked the General Manager to continue.

Councillor Boyle MOVED a POINT of ORDER in relation to comments made by Councillor Moran during debate and stated that he would never misinform the community and say that the community do not know what they are talking about. The Deputy Mayor accepted this POINT of ORDER.

Councillor Moran FORESHADOWED a MOTION that should the MOTION be lost he would move the following:

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That Council officers prepare a report for the April 8 meeting of Council, or earlier, on the possibility of Council having public opinion polling done in relation to support for, or lack of support for, the Shellharbour City Hub. Such a report should refer to at least three public opinion polling/market research companies. Such a report shall include:

- a) the cost of providing a survey of Shellharbour LGA residents which shall have a margin of error of 3% or less,
- b) the time frame required to conduct such research.

Councillor Marsh MOVED a POINT of ORDER in relation to comments made by Councillor Murray about the Notice of Motion from the last Council Meeting. The Deputy Mayor did not accept the POINT of ORDER and asked Councillor Murray to continue.

50 RESOLVED: Stewart/Marsh

That Councillor Moran be allowed an extension of time of 1 minute to conclude his address.

CARRIED 4/2

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

51 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

The FORESHADOWED MOTION then became the MOTION and was seconded by Councillor Marsh.

MOTION: Moran/Marsh

That Council officers prepare a report for the April 8 meeting of Council, or earlier, on the possibility of Council having public opinion polling done in relation to support for, or lack of support for, the Shellharbour City Hub. Such a report should refer to at least three public opinion polling/market research companies. Such a report shall include:

- a) the cost of providing a survey of Shellharbour LGA residents which shall have a margin of error of 3% or less,
- b) the time frame required to conduct such research.

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Councillor Murray MOVED a POINT of ORDER that the FORESHADOWED MOTION is the same motion put up again with a small deletion which was not spoken against. The Deputy Mayor ruled against the POINT of ORDER and stated that Councillor Moran had already put forward his FORESHADOWED MOTION.

Councillor Stewart MOVED a POINT of ORDER and stated that she took exception to a comment made by Councillor Moran in his Right of Reply. The Deputy Mayor asked Councillor Moran to apologise. Councillor Moran withdrew the word "garbage" and apologised.

52 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

15.4 Notice of Motion submitted by Cr Marsh: Motion of No Confidence (10104134)

MOTION: Marsh/Stewart

That Council pass a Motion of No Confidence in the Deputy Mayor, Councillor Paul Rankin.

Note

As the time was 9.55pm, a resolution was sought to extend the time limit for the Council Meeting.

53 RESOLVED: Stewart/Murray

That an extension of 30 minutes be given to conclude the Council Meeting.

CARRIED UNANIMOUSLY

54 The MOTION on being PUT to the Meeting was LOST on the Deputy Mayor's Casting Vote

FOR VOTE - Cr Moran, Cr Stewart, Cr Marsh

AGAINST VOTE - Cr Boyle, Cr Murray, Cr Rankin

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

Nil

17. Urgent Business

Business Arising

Councillor Marsh asked if there had been any threats made against Council or individual Councillors, as there were more than one security officer present tonight. The Deputy Mayor stated that he had received a threat. The Executive Manager also clarified there was an extra security guard engaged for tonight's meeting to assist with the overflow area if required for tonight's meeting.

Councillor Murray MOVED a POINT of ORDER in relation to Councillor Marsh's question regarding threats to individual Councillors and stated that it was not the business of Councillors. The Deputy Mayor did not rule on the POINT of ORDER.

Councillor Moran asked for clarification on the number of people allowed in the Chamber at one time as last week it was 110 and this week it is 75. The Executive Manager stated it has been changed on the advice from the Manager Risk Management Services.

Councillor Marsh encouraged the community and fellow Councillors to register for Clean Up Australia Day.

Councillor Stewart asked the Deputy Mayor when his report on his recent training will be reported to Council. The Deputy Mayor stated that the report will be coming to the next meeting of Council.

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 10.03 pm