

# **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 18 March 2014

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**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Council Administration Centre  
Shellharbour City Centre  
on Tuesday 18 March 2014 commencing at 6.32 pm**

## **Present**

Mayor	M Saliba
Deputy Mayor	P Rankin
Councillor	K Marsh
Councillor	D Boyle
Councillor	H Stewart
Councillor	P Moran (part)

## **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
Group Manager Community Connections	K Baget-Juleff
Group Manager Finance	T Gearon
Group Manager Infrastructure Services	M Boenisch
Group Manager City Development	G Meredith
Manager Assets & Projects	G Standen
Executive Manager / Public Officer	F MastroDomenico
Manager Property & Recreation	D Flanagan
Manager Libraries & Museum	D Cranson
Media Officer	C Lewis
Council Liaison Officer	J Frasca
Public Information Officer	S Stewart

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### **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 and the emergency plan for Council Meetings.

### **2. Confirmation of Minutes**

#### **2.1 Ordinary Meeting 25 February 2014**

58 RESOLVED: Marsh/Rankin

That the Minutes of the Ordinary Council Meeting held on 25 February 2014 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

59 RESOLVED: Rankin/Boyle

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

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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 Calderwood Voluntary Planning Agreement (10116043) CONFIDENTIAL**

##### **Reason for Confidentiality**

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

- (a) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (b) Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- (c) Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

#### **5. Pecuniary Interest and Conflict of Interest Declarations**

Nil

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### 6. Condolences

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

60 A Motion of condolence was passed by all present standing for one minute's silence.

Mr Albert Dunmore	of	Albion Park
Mrs Alice Grace Crisp	of	Albion Park
Mr Robert William Frew	of	Albion Park
Ms Andrea Hornsby	formerly of	Albion Park
Mrs Deborah Winzer	of	Albion Park
Mrs Margaret Evelyn Sheehy	of	Albion Park
Mrs Ruby May Watson	of	Albion Park Rail
Mrs Ada Evelyn Barrass	formerly of	Barrack Heights and Albion Park
Mr John Stewart Hart	of	Barrack Heights
Mrs Gabriella Dalton	of	Barrack Heights
Mr James McGuinness	formerly of	Mt Warrigal
Mrs Patricia Claire Snape	formerly of	Oak Flats
Mr Francis Lorenzo Formosa	of	Shell Cove
Mr Kevin Hore	formerly of	Shellharbour
Mrs Jean Docherty	of	Warilla
Mr Terry Tindale	of	Warilla

### 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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61 RESOLVED: Saliba/Rankin

That the late registrant be allowed to speak for the remainder of Ms McKay's time on item 11.2.3.

LOST 2/4

FOR VOTE - Cr Saliba, Cr Rankin

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

ABSENT. DID NOT VOTE - Cr Murray

Agenda Item No & Title	Name
11.2.1 Shellharbour Village Centre Plan for endorsement (10114880)	Wayne Crouch
11.2.2 Short Term Rental Accommodation - Planning Proposal to Amend Shellharbour Local Environmental Plan 2013 (10115196)	Michael or Kylie Dennis John Cuciti
11.2.3 Adoption of Planning Proposal 4 - Shellharbour Local Environmental Plan 2013 - Deferred Urban Fringe Lands Part 1 - Lands at Albion Park, Croom, Dunmore, Shell Cove & Yellow Rock (10121818)	Sonya McKay
11.2.4 Libraries & Museum Strategy 2024 (10042912)	Mark Jones Sonya McKay
11.3.3 Illawarra Regional Airport Assets (10115914)	Sonya McKay
<b>Late Registration</b>	
11.2.3 Adoption of Planning Proposal 4 - Shellharbour Local Environmental Plan 2013 - Deferred Urban Fringe Lands Part 1 - Lands at Albion Park, Croom, Dunmore, Shell Cove & Yellow Rock (10121818)	Duane McKenzie

62 MOTION: Moran/Marsh

That a report be called for the review of the Code of Meeting Practice.

FOR VOTE – Cr Moran, Cr Marsh, Cr Stewart

AGAINST VOTE – Cr Saliba, Cr Rankin, Cr Boyle

ABSENT. DID NOT VOTE - Cr Murray

LOST on the Mayor's Casting Vote

63 RESOLVED: Moran/Marsh

That Standing Orders be suspended in order for Items 11.2.1, 11.2.2, 11.2.3, 11.2.4 and 11.3.3, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

**11.2.1 Shellharbour Village Centre Plan for endorsement (10114880)**

64 RESOLVED: Moran/Boyle

That Council endorse the Shellharbour Village Centre Plan as a basis for the review of relevant Council policy including Shellharbour Local Environmental Plan 2013, Shellharbour Development Control Plan, Shellharbour City Council Section 94 Contributions Plan 2013 and the capital works program.

CARRIED UNANIMOUSLY

**11.2.2 Short Term Rental Accommodation - Planning Proposal to Amend Shellharbour Local Environmental Plan 2013 (10115196)**

65 RESOLVED: Saliba/Marsh

That this item be deferred for further investigation and reported back to a future Council Meeting.

CARRIED UNANIMOUSLY

**11.2.3 Adoption of Planning Proposal 4 - Shellharbour Local Environmental Plan 2013 - Deferred Urban Fringe Lands Part 1 - Lands at Albion Park, Croom, Dunmore, Shell Cove & Yellow Rock (10121818)**

66 RESOLVED: Rankin/Boyle

1. That Council adopt the Planning Controls for Planning Proposal 4 in Attachment 1: Table of Properties and Attachment 3: The Maps to amend Shellharbour Local Environmental Plan 2013.
2. That Council authorise the General Manager to forward the revised Planning Proposal to the Minister for Planning under Section 58(2) of the *Environmental Planning & Assessment Act 1979*.
3. 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*.

4. 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

#### **11.2.4 Libraries & Museum Strategy 2024 (10042912)**

67 RESOLVED: Marsh/Stewart

That Councillor Moran be given a one minute extension of time to conclude his debate.

CARRIED UNANIMOUSLY

68 RESOLVED: Rankin/Boyle

That Council adopt the Shellharbour City Libraries & Museum Strategy 2024.

CARRIED 4/2

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

AGAINST VOTE - Cr Moran, Cr Marsh

ABSENT. DID NOT VOTE - Cr Murray

#### **Matter Arising**

Cr Marsh asked if the Council will give the community an assurance that the plaques in the Freedom Wall will be replaced and that there will be consultation with all stakeholders, the local RSL and anyone else who had input originally into the construction of the freedom wall?

The General Manager responded by noting that there has been a number of public statements made by the Mayor and others about the council's intention to relocate and replace the wall. What remains to be decided is the consultation process to be undertaken and agreement on where to relocate the Freedom Wall.

#### **11.3.3 Illawarra Regional Airport Assets (10115914)**

69 RESOLVED: Boyle/Rankin

1. That Council receive and note this report.

2. That a further report will be presented to Council with a recommendation regarding the future assets at the Illawarra Regional Airport once the Business Unit Board has produced a draft business plan.

CARRIED UNANIMOUSLY

70 RESOLVED: Rankin/Marsh

That Standing Orders be resumed.

**Meeting adjourned at 8.31pm**

**Meeting resumed at 8.43pm**

**8. Mayor's Statements / Reports / Presentations**

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

**9. Councillors' Reports**

The Deputy Mayor tabled his report for his attendance at the Certificate for Elected Members and advised that it will be presented at the next meeting of Council.

**10. Mayoral Minutes**

Nil

**11. Reports**

**11.1 General Manager**

**11.1.1 National General Assembly of Local Government 15-18 June 2014  
(10098243)**

71 RESOLVED: Marsh/Rankin

1. That any Councillor wishing to attend the National General Assembly of Local Government advise the Executive Services office by no later than 11 April 2014.



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2. That any Councillor with a proposed motion to the National General Assembly of Local Government, submit this to the General Manager by no later than 26 March 2014, to allow time for Council staff to investigate the matter, prepare the motion and report back to the 8 April 2014 Council Meeting.

CARRIED UNANIMOUSLY

### **11.2 City Outcomes Directorate**

#### **11.2.1 Shellharbour Village Centre Plan for endorsement (10114880)**

This item was considered following Addresses to Council (refer to Resolution No 64)

#### **11.2.2 Short Term Rental Accommodation - Planning Proposal to Amend Shellharbour Local Environmental Plan 2013 (10115196)**

This item was considered following Addresses to Council (refer to Resolution No 65)

#### **11.2.3 Adoption of Planning Proposal 4 - Shellharbour Local Environmental Plan 2013 - Deferred Urban Fringe Lands Part 1 - Lands at Albion Park, Croom, Dunmore, Shell Cove & Yellow Rock (10121818)**

This item was considered following Addresses to Council (refer to Resolution No 66)

#### **11.2.4 Libraries & Museum Strategy 2024 (10042912)**

This item was considered following Addresses to Council (refer to Resolution No 67)

### **11.3 Corporate Policy Directorate**

#### **11.3.1 Better Boating Program 2013/14 - Shellharbour Village Boat Ramp Upgrade and Jetty Construction (10110445)**

72 RESOLVED: Boyle/Marsh

1. That the Council accept the RMS' offer of \$260,000 for the construction of Shellharbour Village boat ramp extension and the finalisation of the preliminary design of the jetty.

2. That matching funds to the value of \$260,000 be allocated from Council's Crown Land restriction.

CARRIED UNANIMOUSLY

**11.3.2 Events Sponsorships Policy (10084044)**

73 RESOLVED: Rankin/Boyle

1. That Council adopt the attached Sponsorship Policy.
2. That Council on an annual basis, advertise an invitation for any organisations seeking sponsorships, to make annual application for sponsorship subject to this policy and to detail the services to be provided by them to Council, to reciprocate that sponsorship.

CARRIED UNANIMOUSLY

**11.3.3 Illawarra Regional Airport Assets (10115914)**

This item was considered following Addresses to Council (refer to Resolution No 69)

**11.4 Shellharbour Enterprises Directorate**

**12. Committee Recommendations**

**12.1 Recommendations from the Disability Access Committee Meeting held 26 February 2014 recommended for adoption.**

74 RESOLVED: Saliba/Marsh

That the Recommendations from the Disability Access Committee Meeting held 26 February 2014 be adopted.

CARRIED UNANIMOUSLY

**13. Items for Information**

**13.1 Response to Question on Notice received from Cr Kellie Marsh: Drain Cleaning Schedule (10115311)**

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**13.2 Response to Question on Notice received from Cr Peter Moran: Shell Cove Stage 6F2 (10115505)**

**13.3 Response to Amended Question on Notice received by Cr Helen Stewart: Bus Shelters (10115369)**

That Items for Information be formally noted

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

Nil

**15. Notices of Motion**

**15.1 Notice of Motion submitted by Cr Kellie Marsh: Lamerton House (10113832)**

75 RESOLVED: Marsh/Moran

That Council Officers present, to the earliest possible meeting of Council, a report which provides a breakdown of costs associated with retaining Lamerton House in Council's ownership and use.

CARRIED UNANIMOUSLY

**15.2 Notice of Motion submitted by Cr Peter Moran: Disabled Access Playground (10119477)**

76 RESOLVED: Moran/Marsh

That Council officers prepare a report for a future meeting of Council on the possibility of providing a disabled access playground In the LGA. Such a report should include, but not be limited to, cost, possible locations and grant funding that may be available.

CARRIED UNANIMOUSLY

**15.3 Notice of Motion submitted by Cr Peter Moran: Skate Park in Oak Flats (10119483)**

77 RESOLVED: Moran/Marsh

That Council officers prepare a report for a future meeting of Council on the possibility of providing a skate park in Oak Flats. Such a report shall include, but not be limited to, possible sites within Oak Flats, possible costs and possible

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time frames for construction.

CARRIED UNANIMOUSLY

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

**16.1 Questions on Notice submitted by Cr Kellie Marsh: Horse Stables at Albion Park Showground (10119431)**

**16.2 Questions on Notice submitted by Cr Peter Moran: Lamerton House (10119465)**

**17. Urgent Business**

Nil

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

78 RESOLVED: Marsh/Rankin

1. That Council resolve into Committee of the Whole (in Confidential Session) to consider the above business as listed, together with any late reports tabled at the meeting.
2. That pursuant to Section 10A(1-3) of the *Local Government Act 1993*, the press and public be excluded from the proceedings on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2)(a), (b), (c) of the Act as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the press and public in accordance with Section 11(2) of the *Local Government Act 1993*.

CARRIED 4/2

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

AGAINST VOTE - Cr Marsh, Cr Moran

ABSENT. DID NOT VOTE - Cr Murray

**Meeting adjourned at 9.21pm**

**Meeting resumed at 9.38pm**

NOTE: Cr Moran did not return to the Chamber for the remainder of the meeting.

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

**4.1 Calderwood Voluntary Planning Agreement (10116043)**

The following Recommendations to Council from the Committee of the Whole Council (confidential) were read to the Meeting by the General Manager.

COMMITTEE RECOMMENDATION:

1. That Council accept the proposal of a monetary contribution as outlined in the Committee of the Whole report, subject to indexation over the life of the project, and onsite works and land dedications as outlined in this report as the basis for proceeding with the preparation of a whole of project Planning Agreement with Lend Lease for the Calderwood development; and
2. That a draft Planning Agreement be reported to Council for the purposes of further consideration and public exhibition.

79 RESOLVED: Marsh/Rankin

That the Recommendations to Council from the Committee of the Whole Meeting held earlier tonight be adopted.

CARRIED UNANIMOUSLY

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

**Meeting closed 9.39 pm**