

# SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 29 April 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 29 April 2014 commencing at 6.32 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
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 Finance	T Gearon
Acting Group Manager Infrastructure Services	G Standen
Acting Group Manager Corporate Strategy	T James
Manager Finance Services	P Henderson
Manager Property and Recreation	D Flanagan
Corporate Planning Accountant	H Stafford
Corporate Strategy Coordinator	S Colefax
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 and the emergency plan for Council Meetings.

**2. Confirmation of Minutes**

**2.1 Ordinary Meeting 8 April 2014**

101 RESOLVED: Rankin/Marsh

That the Minutes of the Ordinary Council Meeting held on 8 April 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

**2.2 Committee of the Whole 8 April 2014**

102 RESOLVED: Marsh/Rankin

That the Minutes of the Committee of the Whole Council Meeting held on 8 April 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

**3. Apologies / Leave of Absence**

Nil

**4. Confidential Business (Committee of the Whole)**

Nil

## SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 29 April 2014

---

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

Director Corporate Policy: Item 11.1.4 Appointment of External Auditor for period ended 30 June 2019.

**Nature of Interest:** The Director Corporate Policy declared a Non Pecuniary Interest as she is personally acquainted with one of the directors of the company recommended for appointment.

### 6. Condolences

Councillor Rankin expressed his condolences to the Mayor on behalf of Council on the passing of her niece Alisha Hudson.

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

Mrs Colleen Shaw (Nee Dudgeon)	formerly of	Albion Park
Mr Zvonko Kovacevic	of	Albion Park
Mr Brian Kevin James	of	Albion Park Rail
Mr Robert John Fanning	of	Albion Park Rail
Mr Ivan Anastovski	of	Barrack Heights
Mrs Parania Obolewicz	of	Barrack Heights
Mr David Boughen	of	Flinders
Mrs Faye Leslie	of	Flinders
Mrs Susin-Maroto Obdulia Canero	formerly of	Lake Illawarra
Mrs Lynette Robyn Buckley	of	Mt Warrigal
Mr Ronald Charlton	of	Mt Warrigal
Mr Eric Seveir	of	Oak Flats
Mr Gunter Erwin Brunkow	of	Oak Flats
Mrs Menka Volcevska	of	Oak Flats
Mr Robert Matthews	of	Oak Flats

## SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 29 April 2014

---

103 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 Draft Delivery Program 2013-2017 including the Draft Operational Plan 2014/15 and the Draft Long Term Financial Plan 2014/15-2023/24	Mark Jones
11.1.3 Amended Community Engagement Policy	Sonya McKay
11.3.9 Financial and Economic Analysis - City Hub	Mark Jones

104 RESOLVED: Murray/Rankin

That Standing Orders be suspended in order for Items 11.1.1, 11.1.3 and 11.3.9 the subject of Addresses to Council, to be considered here in the agenda.

**11.1.1 Draft Delivery Program 2013-2017 including the Draft Operational Plan 2014/15 and the Draft Long Term Financial Plan 2014/15-2023/24 (10146431)**

MOTION: Murray/Rankin

That Council:

## SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 29 April 2014

---

1. adopt the Draft Delivery Program 2013-2017 including the Draft Operational Plan 2014/15 and the Draft Long Term Financial Plan 2014/15-2023/24 for the purposes of public exhibition.
2. publicly exhibit these documents, for 28 days.
3. adopt the following rates and charges:
  - a. For the residential rate category, a base rate of 45% (\$552.50) and ad-valorem component of 0.34631 cents in the dollar on the base date 1 July 2012 land value of all rateable residential land determined to be in this category, in the local government area.
  - b. For the business rate category, an ad-valorem rate of 1.04311 cents in the dollar on the base date 1 July 2012 land value of all rateable land determined to be in the business category general, in the local government area.
  - c. For the farmland category, an ad-valorem rate of 0.23566 cents in the dollar on the base date 1 July 2012 land value of all rateable land determined to be in this category, in the local government area.
  - d. Notes that rate yields and rates in the dollar (\$) may be subject to variation for any land values added to Council's rate base prior to final adoption.
  - e. A Domestic Waste Service Charge of:
    - i. \$412.00 per annum per 240 litre bin per fortnightly service
    - ii. \$283.00 per annum per 140 litre bin per fortnightly service
    - iii. \$66.00 availability fee
    - iv. \$500.00 per annum charge for a weekly service for special needs households
  - f. A Business Waste Service Charge of:
    - v. \$425.00 per annum per fortnightly service (garbage, recycling & green waste)
    - vi. \$365.00 per annum per fortnightly service (garbage only)
    - vii. \$85.00 per annum per fortnightly service (recycling only)
    - viii. \$375.00 per annum per fortnightly service (garbage and recycling only)
    - ix. \$90.00 per annum per fortnightly service (green waste only)
    - x. \$130.00 per annum per fortnightly service (two recycling bins only)
  - g. A Stormwater Management Service Charge of:
    - i) \$25.00 per residential assessment per annum
    - ii) \$12.50 per residential strata unit per annum
    - iii) \$25.00 per 350m<sup>2</sup> (or part thereof) per business assessment per annum capped at a maximum charge of \$150

## SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 29 April 2014

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- iv) Business Strata Lots – pro rata per unit of business calculation per annum
- h. The rate of interest by which overdue rates be charged for the year be 8.5 percent per annum.
4. That the amount of new loan borrowing applications be \$2,672,535 with \$2,672,535 to be borrowed if required from recognised banking institutions or government authorities. These loans will be secured by mortgages over Council's consolidated fund income.
5. That the attached revised Rates Policy be adopted for exhibition purposes.

Following comments made by the Mayor in relation to Council vehicles, Councillor Moran MOVED a POINT of ORDER that the Mayor should not pass judgement on remarks made by the public in their address to Council. The Mayor clarified her statements and Councillor Stewart then MOVED a POINT of ORDER in relation to these comments. The Mayor ruled against the POINTS of ORDER and asked the General Manager to respond.

Councillor Moran proposed the following amendment to point 3 a. of the MOTION, which was not accepted by the Mover:

That the base rate be adjusted to 25%.

105 RESOLVED: Murray/Rankin

That Council:

1. adopt the Draft Delivery Program 2013-2017 including the Draft Operational Plan 2014/15 and the Draft Long Term Financial Plan 2014/15-2023/24 for the purposes of public exhibition.
2. publicly exhibit these documents, for 28 days.
3. adopt the following rates and charges:
  - a. For the residential rate category, a base rate of 45% (\$552.50) and ad-valorem component of 0.34631 cents in the dollar on the base date 1 July 2012 land value of all rateable residential land determined to be in this category, in the local government area.
  - b. For the business rate category, an ad-valorem rate of 1.04311 cents in the dollar on the base date 1 July 2012 land value of all rateable land determined to be in the business category general, in the local government area.
  - c. For the farmland category, an ad-valorem rate of 0.23566 cents in the dollar on the base date 1 July 2012 land value of all rateable land determined to be in this category, in the local government area.
  - d. Notes that rate yields and rates in the dollar (\$) may be subject to variation for any land values added to Council's rate base prior to final adoption.

## SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 29 April 2014

---

- e. A Domestic Waste Service Charge of:
    - i. \$412.00 per annum per 240 litre bin per fortnightly service
    - ii. \$283.00 per annum per 140 litre bin per fortnightly service
    - iii. \$66.00 availability fee
    - iv. \$500.00 per annum charge for a weekly service for special needs households
  - f. A Business Waste Service Charge of:
    - v. \$425.00 per annum per fortnightly service (garbage, recycling & green waste)
    - vi. \$365.00 per annum per fortnightly service (garbage only)
    - vii. \$85.00 per annum per fortnightly service (recycling only)
    - viii. \$375.00 per annum per fortnightly service (garbage and recycling only)
    - ix. \$90.00 per annum per fortnightly service (green waste only)
    - x. \$130.00 per annum per fortnightly service (two recycling bins only)
  - g. A Stormwater Management Service Charge of:
    - i) \$25.00 per residential assessment per annum
    - ii) \$12.50 per residential strata unit per annum
    - iii) \$25.00 per 350m<sup>2</sup> (or part thereof) per business assessment per annum capped at a maximum charge of \$150
    - iv) Business Strata Lots – pro rata per unit of business calculation per annum
  - h. The rate of interest by which overdue rates be charged for the year be 8.5 percent per annum.
4. That the amount of new loan borrowing applications be \$2,672,535 with \$2,672,535 to be borrowed if required from recognised banking institutions or government authorities. These loans will be secured by mortgages over Council's consolidated fund income.
5. That the attached revised Rates Policy be adopted for exhibition purposes.

CARRIED UNANIMOUSLY

Councillor Moran provided a personal explanation in relation to comments made by Councillor Murray during his Right of Reply.

The Mayor provided a personal explanation in relation to comments made by Councillor Moran during his personal explanation. Councillor Marsh MOVED a POINT of ORDER in relation to comments made by the Mayor. The Mayor ruled against the POINT of ORDER and continued with her personal explanation.

**Business Arising**

106 RESOLVED: Murray/Rankin

That a report be prepared on the framing of a budget under different base rates for comparison and consideration for future budgets. That this report be completed and discussed before the end of December 2014.

CARRIED UNANIMOUSLY

Councillor Moran asked how many members of the community approached Council to put a skate park facility in Harrison Park. The General Manager took the Question on Notice.

**Meeting adjourned 7.54pm**

**Meeting resumed at 8.03pm**

**11.1.3 Amended Community Engagement Policy (10146939)**

Councillor Marsh asked how many submissions Council received in relation to the special rate variation. The General Manager took the Question on Notice.

107 RESOLVED: Murray/Rankin

That Council adopt the Draft Community Engagement Policy with the addition of 'Shellharbour DCP' to the reference section of the Policy.

CARRIED UNANIMOUSLY

**11.3.9 Financial and Economic Analysis - City Hub (10132894)**

MOTION: Murray/Boyle

That the report be noted.

Councillor Marsh asked if Councillors could have a breakdown of costs in relation to the maintenance of Lamerton House. The General Manager took the Question on Notice.



## SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 29 April 2014

---

108 RESOLVED: Moran/Stewart

That Councillor Moran be granted a one minute extension to complete his address.

CARRIED UNANIMOUSLY

Councillor Marsh MOVED a POINT of ORDER in relation to comments made by the General Manager during his address to Council. The Mayor ruled against the POINT of ORDER and asked the General Manager to continue with his statement.

109 RESOLVED: Murray/Boyle

That the report be noted.

CARRIED 5/2

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

110 RESOLVED: Murray/Marsh

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

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

Nil

### **9. Councillors' Reports**

Nil

### **10. Mayoral Minutes**

Nil

## **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 29 April 2014

---

### **11. Reports**

#### **11.1 General Manager**

##### **11.1.1 Draft Delivery Program 2013-2017 including the Draft Operational Plan 2014/15 and the Draft Long Term Financial Plan 2014/15-2023/24 (10146431)**

This item was considered following Addresses to Council (refer to Resolution No 105)

##### **11.1.2 Monthly Investment Report - March 2014 (10145115)**

111 RESOLVED: Marsh/Murray

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

CARRIED UNANIMOUSLY

##### **11.1.3 Amended Community Engagement Policy (10146939)**

This item was considered following Addresses to Council (refer to Resolution No 107)

##### **11.1.4 Appointment of External Auditor for period ended 30 June 2019 (10148081)**

112 RESOLVED: Murray/Rankin

That Council accept the tender submitted by Crowe Horwath Auswild and appoint that company as its external auditor for the period from 1 July 2013 to 30 June 2019, under the conditions stipulated in the tender and at an annual fee as tendered for the first year, of \$61,270 inclusive of GST.

CARRIED UNANIMOUSLY

#### **11.2 City Outcomes Directorate**

Nil

**11.3 Corporate Policy Directorate**

**11.3.1 Policy - Use of Public Reserves by Commercial Fitness Groups and Personal Trainers (10146484)**

113 RESOLVED: Boyle/Rankin

That Council adopt the policy titled Use of Public Reserves by Commercial Fitness Groups and Personal Trainers attached to this report.

CARRIED UNANIMOUSLY

**11.3.2 Proposed Licence Agreement for Ocean Fitness at Grey Park, Shellharbour (10146549)**

114 RESOLVED: Rankin/Boyle

1. That Council commence the formal process to enter into a 12 month Licence agreement with Ocean Fitness, including advertising and exhibition of the proposal for a period of 28 days.
2. That provided no objections are received, Council enter into a 12 month Licence agreement with Ocean 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.
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

**11.3.3 Tender 2013/81 - Shellharbour City Stadium Roof Replacement and Rectification works (10146228)**

115 RESOLVED: Marsh/Murray

That Council:

1. In accordance with Section 178 of the *Local Government (General) Regulation (2005)*, enter into a contract (Contract 2013/81) with Project Coordination Australia Pty Ltd for the tender sum of \$996,900 in accordance with Tender Document 2013/81.
2. Delegate to the Director Corporate Policy the authority to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.

CARRIED UNANIMOUSLY

**11.3.4 Acceptance of Loan for the Upgrade of Shellharbour Beachside Tourist Park (10146969)**

116 RESOLVED: Boyle/Marsh

1. That Council accepts the offer of an approved loan of \$600,000 to the Bassett Park (R580065) Reserve Trust in accordance with the terms in the report, for the upgrade to the core communal zone of the Shellharbour Beachside Tourist Park.
2. That the Mayor and the General Manager or his nominated delegate be authorised to sign and affix the Common Seal of Council to the loan documents if required.

CARRIED UNANIMOUSLY

**11.3.5 Tender 2014/04 - Albion Oval Lighting Upgrade (10144906)**

117 RESOLVED: Rankin/Murray

That Council:

1. In accordance with Section 178 (1)(a) of the Local Government (General) Regulation 2005, resolve to enter into a contract (Contract 2014/04) with ETE Services Pty Ltd for the lump sum amount of \$225,600 (excluding GST);
2. Delegate to the Director Corporate Policy the authority to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.

CARRIED UNANIMOUSLY

**11.3.6 Tender 2014/03 - Construction of Gross Pollutant Trap at Warilla (Stage 2) - (10144885)**

118 RESOLVED: Marsh/Rankin

That Council:

1. In accordance with Section 178 of the *Local Government (General) Regulation (2005)*, Council enter into a contract (Contract 2014/03) with Brefni Excavation and Earthmoving Pty Ltd for the tender sum of \$340,926 in accordance with Tender Document 2014/03.

## SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 29 April 2014

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2. Delegate to the Director Corporate Policy the authority to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.
3. That an additional \$90,974 be allocated from the Stormwater Management Service Charge Program toward the 'Shellharbour War Memorial Park GPT (Stage 2)' project to meet the additional project cost.

CARRIED UNANIMOUSLY

### 11.3.7 Legal Assistance to Canterbury City Council (10144640)

MOTION: Rankin/Murray

That Council approve the payment \$452.29 in support of Canterbury City Council's appeal to the Supreme Court of NSW for easement over community land.

Councillor Moran FORESHADOWED a MOTION that should this MOTION be lost he would move that that this item be deferred to the next meeting of Council.

119 RESOLVED: Rankin/Murray

That Council approve the payment \$452.29 in support of Canterbury City Council's appeal to the Supreme Court of NSW for easement over community land.

CARRIED 5/2

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

### 11.3.8 Requests for Financial Assistance (10144411)

120 RESOLVED: Rankin/Marsh

That Council provide financial assistance from the miscellaneous donations budget totalling \$6,260 to the following:

- |   |         |
|---|---------|
| 1. Albion Park Rail Anglican Community Church | \$1,000 |
| 2. Illawarra Women's Health Centre            | \$2,000 |

## **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 29 April 2014

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|----|---|---------|
| 3. | Oak Flats Lions Club - Alexis Barling Project     | \$2,060 |
| 4. | Shellharbour Community Drug Action Team           | \$500   |
| 5. | St Joseph's Catholic High School                  | \$200   |
| 6. | St Vincent de Paul - Shellharbour City Conference | \$500   |

CARRIED UNANIMOUSLY

### **11.3.9 Financial and Economic Analysis - City Hub (10132894)**

This item was considered following Addresses to Council (refer to Resolution No 108)

### **11.4 Shellharbour Enterprises Directorate**

#### **11.4.1 Shell Cove: Plans of Easements and Restrictions (10141494)**

121 RESOLVED: Murray/Marsh

That the Mayor and the General Manager, or his nominated delegate, be authorised to sign the Plan of Easements in favour of Endeavour Energy (and associated 88B Instruments and documents) for Lot 8032 DP 1072187 and Lot 8422 DP 1169822, under Council Seal.

CARRIED UNANIMOUSLY

### **12. Committee Recommendations**

#### **12.1 Recommendations from the Traffic Committee Meeting held 2 April 2014 recommended for adoption.**

122 RESOLVED: Stewart/Marsh

That the Recommendations from the Traffic Committee Meeting held 2 April 2014 be adopted.

CARRIED UNANIMOUSLY

**13. Items for Information**

- 13.1 Response to Question on Notice received from Cr Peter Moran: Unemployment Rates (10146450)**
- 13.2 Response to Question on Notice received from Cr Kellie Marsh: Land at Flinders for proposed High School (10146402)**
- 13.3 Response to Questions on Notice submitted by Cr Peter Moran: Lamerton House (10130939)**

That the Items for Information be formally noted.

**Business Arising - 13.3 Response to Questions on Notice submitted by Cr Peter Moran: Lamerton House (10130939)**

MOTION: Moran/Marsh

That given that some of the statements made by Shellharbour City Council in relation to Lamerton House has been shown in these answers to have been factually incorrect that a written apology be given to the Stop the Hub Group.

Councillor Marsh MOVED a POINT of ORDER during debate on this item. The Mayor ruled against the POINT of ORDER.

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

FOR VOTE - Cr Moran, Cr Stewart, Cr Marsh

AGAINST VOTE - Cr Boyle, Cr Saliba, Cr Murray, Cr Rankin

The Mayor stated that she would accept the Business Arising on this occasion but in future would not accept any Business Arising during Items for Information.

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

- 14.1 Notice of Rescission Motion submitted by Crs Moran, Stewart and Marsh (10150284)**

RESCISSION MOTION: Moran/Marsh

That the decision in respect of item number 11.1.1 of the Ordinary Meeting of the Council held on 29 October 2013 be rescinded (minute number 340).

During Councillor Moran's debate, Councillor Murray MOVED a POINT of ORDER in relation to Councillor Moran's comments in regards to the selection process of the

## **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 29 April 2014

---

Business Unit Board. The Mayor then requested that the General Manager make comment in relation to this matter.

Councillor Moran MOVED a POINT of ORDER that he was interrupted during his debate. The Mayor accepted the POINT of ORDER and asked Councillor Moran to continue with his debate.

During the General Manager's response to a question raised by Councillor Stewart, Councillor Marsh MOVED a POINT of ORDER that the Mayor was being discourteous to the Councillors. The Mayor ruled against the POINT of ORDER and asked the General Manager to continue with his response.

124 The RESCISSION MOTION on being PUT to the meeting was LOST 3/4

FOR VOTE - Cr Moran, Cr Stewart, Cr Marsh

AGAINST VOTE - Cr Boyle, Cr Saliba, Cr Murray, Cr Rankin

The Mayor gave a personal explanation in relation to Councillor Moran's comments during debate. Councillor Moran then MOVED a POINT of ORDER in relation to the Mayor's comments in her personal explanation and asked that she withdraw the remark. The Mayor ruled against the POINT of ORDER.

MOTION: Moran/Marsh

That the Mayor's ruling be dissented from.

125 The MOTION on being PUT to the meeting was LOST 3/4

FOR VOTE - Cr Moran, Cr Stewart, Cr Marsh

AGAINST VOTE - Cr Boyle, Cr Saliba, Cr Murray, Cr Rankin

Councillor Stewart gave a personal explanation in relation to her leaving her chair during the debate.

Councillor Marsh gave a personal explanation in relation to Councillor Murray's comments during debate.

### **15. Notices of Motion**

Nil

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

Nil



**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 9.46 pm**