

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 July 2014 reconvened 12 August 2014

Minutes of the Ordinary Meeting

of Shellharbour City Council

held at the Council Chambers, Council Administration Centre

Shellharbour City Centre

on Tuesday 22 July 2014 commencing at 6.32 pm

and reconvened on Tuesday 12 August 2014 at 10.41pm

Present

| | |
|--------------|------------------------------|
| Mayor | M Saliba |
| Deputy Mayor | P Rankin |
| Councillor | K Marsh |
| Councillor | D Boyle |
| Councillor | H Stewart |
| Councillor | J Murray |
| Councillor | P Moran (part: 22 July 2014) |

In attendance

| | |
|---|-----------------------------------|
| General Manager | M Willis |
| Director City Outcomes | C McIntyre |
| Director Corporate Policy | L Furness |
| Director Shellharbour Enterprises | M Youell |
| Executive Manager / Public Officer | F MastroDomenico |
| Group Manager City Strategy | G Hoynes (part: 22 July 2014) |
| Group Manager Infrastructure Services | M Boenisch |
| Group Manager Parks, Aquatics, Landfill & Stadium | K Packer (part: 22 July 2014) |
| Group Manager City Development | G Meredith (part: 22 July 2014) |
| Manager Financial Services | P Henderson (part: 22 July 2014) |
| Manager Property and Recreation | D Flanagan |
| Manager Assets & Projects | G Standen (part: 12 August 2014) |
| Business Performance and Development Manager | M Henning (part: 22 July 2014) |
| General Manager The Links Shell Cove | R Stephenson (part: 22 July 2014) |
| Property Assistant | M Olsen (part: 12 August 2014) |
| Media Officer | C Lewis |
| Senior Executive Assistant (Minute Taker – part) | L Davey |
| Council Liaison Officer (Minute Taker - part) | J Frasca |

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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 1 July 2014

193 RESOLVED: Marsh/Murray

That the Minutes of the Ordinary Council Meeting held on 1 July 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

Nil.

Committee of the Whole Council Meeting

Nil.

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 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 The Links Shell Cove (10205130)

Reason for Confidentiality

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

- (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

Council will be considering the possible divestment of a significant, valuable, strategic asset. Whilst any decision to sell such assets should be made in the public domain, early consideration of sales or alternative divestment strategies is best conducted in confidential session, to enable candid debate of commercial details, options and strategies and to protect the public interest and the debate, from the influence of vested interests.

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5. Pecuniary Interest and Conflict of Interest Declarations

Councillor Murray:

Item 4.1 The Links Shell Cove

Nature of Interest:

Councillor Murray declared a non-pecuniary interest as he is a senior golfing member of The Links Shell Cove.

6. Condolences

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

| | | |
|------------------------------|----|------------------|
| Mr Allan Fife | of | Albion Park |
| Mr Daryl Elliott | of | Albion Park |
| Mr Norman Frederick Herman | of | Albion Park |
| Mr Evan George Davis | of | Albion Park |
| Mrs Constance Harrison | of | Albion Park Rail |
| Mr Graham Leslie Smith | of | Albion Park Rail |
| Mr Fred Harris | of | Barrack Heights |
| Mr Robert Donald Simpson | of | Barrack Heights |
| Mrs Mary Irene Neumeister | of | Barrack Point |
| Mr Reginald Reford Beauchamp | of | Barrack Point |
| Mr Frederick William Chalker | of | Lake Illawarra |
| Mr Frank Ardron | of | Shellharbour |
| Mr Keith Linnett | of | Mt Warrigal |
| Mr Steve Lyons | of | Oak Flats |
| Mr Amabile Nicola Floro | of | Warilla |
| Mrs Betty Irene Yeatman | of | Warilla |
| Mr Dylan Thomas Maher | of | Warilla |
| Mr Gary James Redfern | of | Warilla |

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Mr Gordon Wakeham of Warilla

Mrs Lorraine Helen Harris of Warilla

Mrs Sylvia Mahoney of Warilla

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

Councillor Stewart requested one minute's silence in memory of the victims of flight MH17.

195 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 |
|--|---------------|
| 11.2.1 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 5 - Adoption of Exhibited Planning Proposal for Deferred Urban Fringe Lands Part 2 - Albion Park, Croom & Dunmore (10203804) | John Thompson |
| 11.2.2 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 10 - Adoption of Exhibited Planning Proposal - Lot 11, DP 1128847, Crest Road, Albion Park (10203921) | Mark Grimson |
| 11.2.3 Planning Proposal No. 12 - Lot 2, DP 1191252, Yellow Rock Road, Tullimbar (10203942) | Michael Roger |
| 11.3.4 The Links costs since 2000 (1019005) | Sonya McKay |

196 RESOLVED: Rankin/Marsh

That Standing Orders be suspended in order for Items 11.2.1, 11.2.2, 11.2.3 and 11.3.4, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

11.2.1 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 5 - Adoption of Exhibited Planning Proposal for Deferred Urban Fringe Lands Part 2 - Albion Park, Croom & Dunmore (10203804)

MOTION: Murray/Rankin

That Council:

1. adopt the Zoning and Planning Controls for Shellharbour Local Environmental Plan 2013 Planning Proposal No 5 as outlined in Attachment 1.
2. authorise the General Manager to amend the Zoning and Planning Control Maps for Shellharbour Local Environmental Plan 2013 Planning Proposal No 5 as outlined in Attachment 2.
3. prepare a draft clause to be included in the written instrument of Shellharbour Local Environmental Plan 2013 to incorporate provisions relating to the maximum number of allotments and dwelling houses for certain split zoned land as shown in Attachment 3.
4. authorise the General Manager to forward the revised Planning Proposal as outlined in Attachments 1, 2 and 3 to the Minister for Planning under section 58(2) of the *Environmental Planning & Assessment Act 1979*.
5. authorise the General Manager to request the Minister for Planning to prepare the Draft Local Environmental Plan and make the Plan under section 59 of the *Environmental Planning & Assessment Act 1979*.
6. delegate to the General Manager the authority to make minor mapping and wording changes if and as required by the Director General of the NSW Department of Planning & Environment or the Parliamentary Counsel's office.

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

That this item be deferred to a future meeting of Council to enable Councillors to be briefed on this matter.

197 The MOTION on being PUT to the meeting was LOST

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

198 The FORESHADOWED MOTION then became the Motion and on being PUT to the Meeting was CARRIED UNANIMOUSLY

11.2.2 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 10 - Adoption of Exhibited Planning Proposal - Lot 11, DP 1128847, Crest Road, Albion Park (10203921)

199 RESOLVED: Marsh/Murray

That Council:

1. adopt the Zoning and Planning Controls for Shellharbour Local Environmental Plan 2013 Planning Proposal No 10 as outlined in Attachment 2.
2. authorise the General Manager to amend the Zoning and Planning Control Maps for Shellharbour Local Environmental Plan 2013 Planning Proposal No 10 as outlined in Attachment 3.
3. authorise the General Manager to forward the revised Planning Proposal as outlined in Attachment 2 to the Minister for Planning under Section 58(2) of the *Environmental Planning & Assessment Act 1979*.
4. authorise the General Manager to request the Minister for Planning to prepare the Draft Local Environmental Plan and make the Plan under Section 59 of the *Environmental Planning & Assessment Act 1979*.
5. delegate to the General Manager the authority to make minor mapping and wording changes if and as required by the Director General of the NSW Department of Planning & Environment or the Parliamentary Counsel's office.

CARRIED UNANIMOUSLY

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11.2.3 Planning Proposal No. 12 - Lot 2, DP 1191252, Yellow Rock Road, Tullimbar (10203942)

200 RESOLVED: Murray/Marsh

That Council:

1. prepare a Planning Proposal (No 12) for Lot 2, DP 1191252, Yellow Rock Road, Tullimbar and adjoining roads to amend *Shellharbour Local Environmental Plan 2013* to incorporate the proposed Zoning and Planning Controls in Attachments 4-8.
2. authorise the General Manager to submit the Planning Proposal (Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No 12) to the NSW Department of Planning & Infrastructure in accordance with section 56 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.
3. delegate to the General Manager authority to make minor mapping and Local Environmental Plan instrument changes to Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No 12 if and as required by the NSW Department of Planning & Infrastructure's LEP Review Panel and gateway determination.
4. publicly exhibit the Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No 12 in accordance with the gateway determination.
5. A report be submitted to the Council on the public exhibition of the Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No 12 detailing the outcomes of the community and government agency engagement.
6. The Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No 12 be reported back to the Council for final consideration and with further recommendations regarding adoption.

CARRIED UNANIMOUSLY

11.3.4 The Links costs since 2000 (1019005)

MOTION: Moran/Murray

That Council receive and note this report.

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201 RESOLVED: Moran/Stewart

That Councillor Moran be given an extension of thirty seconds to conclude his address.

CARRIED UNANIMOUSLY

During the Mayor's address Councillor Stewart MOVED a POINT of ORDER on comments by the Mayor in her address. The Mayor clarified her comments and continued with her address.

Councillor Marsh MOVED a POINT of ORDER that the Mayor was in breach of Clause 9.20.2 of the Code of Meeting Practice. The Mayor ruled against the POINT of ORDER and continued her address.

202 RESOLVED: Moran/Murray

That Council receive and note this report.

CARRIED UNANIMOUSLY

203 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 Council Meeting.

9. Councillors' Reports

Councillor Marsh provided details of an upcoming event at the Barrack Heights Community Garden and encouraged councillors to attend.

10. Mayoral Minutes

Nil.

11. Reports

11.1 General Manager

11.1.1 Local Government Conference - Proposed Motion (10205733)

204 RESOLVED: Murray/Rankin

That Council endorse a Notice of Motion to the Local Government NSW (LGNSW) Annual Conference to be held in October this year, being:

That Local Government NSW advocate:

- member Councils utilise the Aboriginal Culture & Heritage Development Assessment Toolkit as a model of a whole-of-Council approach to the assessment, protection, support, management, celebration and communication of Aboriginal culture and heritage in order to recognise all aspects of culture and heritage – tangible and intangible, past, present and future.
- The NSW Government to assist member Councils to meet the financial implications of implementing the Aboriginal Culture & Heritage Development Assessment Toolkit in their Local Government area.
- The Federal Government to similarly assist member Councils to meet the financial implications of implementing the Aboriginal Culture & Heritage Development Assessment Toolkit in their Local Government area.

CARRIED UNANIMOUSLY

11.1.2 2014 NSW Local Government Aboriginal Network Conference (10180395)

205 RESOLVED: Murray/Marsh

That any Councillor wishing to attend the 2014 NSW Local Government Aboriginal Network Conference advise the General Manager by 25 July 2014.

CARRIED UNANIMOUSLY

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11.1.3 Sponsorship Assistance 2014/15 (10183650)

206 RESOLVED: Rankin/Marsh

1. That Council provide sponsorship to the following groups from the sponsorship budget totalling \$36,500:

| Event | recommended amount |
|---|--------------------|
| Million Paws Walk | \$500.00 |
| RYDA - Road Safety Education Program | \$3,500.00 |
| KidsFest Shellharbour 2015 | \$2,500.00 |
| Southern Stars | \$5,000.00 |
| Oak Flats Billy Cart Derby | \$2,500.00 |
| Albion Park Show | \$4,000.00 |
| Shellharbour Festival of Sport | \$500.00 |
| Fair Share Fiascos Pantomime | \$1,500.00 |
| Roller Hawks NWBL Season | \$3,000.00 |
| Illawarra Business Awards | \$5,000.00 |
| RDA Regional Leaders Summit | \$1,500.00 |
| Relay for Life | \$2,000.00 |
| Illawarra Pipe Band | \$500.00 |
| i98fm Convoy | \$3,500.00 |
| Small ad-hoc donations will be provided to support local artists and/or artist groups run small exhibitions, art initiatives in public places and support art groups running from local community centres. These funds will be available to artists and artists groups on request and as identified by Community and Cultural Life. | \$1,000.00 |
| | \$36,500.00 |

2. That the sponsored events be added to Council's Calendar of Events as "sponsored events" for the next financial year.

CARRIED UNANIMOUSLY

11.1.4 Monthly Investment Report - June 2014 (10204855)

207 RESOLVED: Moran/Marsh

That Council receive and note the attached Investment Portfolio report, as at 30 June 2014.

CARRIED UNANIMOUSLY

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11.2 City Outcomes Directorate

11.2.1 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 5 - Adoption of Exhibited Planning Proposal for Deferred Urban Fringe Lands Part 2 - Albion Park, Croom & Dunmore (10203804)

This item was considered following Addresses to Council (refer Resolution No. 197)

11.2.2 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 10 - Adoption of Exhibited Planning Proposal - Lot 11, DP 1128847, Crest Road, Albion Park (10203921)

This item was considered following Addresses to Council (refer Resolution No. 199)

11.2.3 Planning Proposal No. 12 - Lot 2, DP 1191252, Yellow Rock Road, Tullimbar (10203942)

This item was considered following Addresses to Council (refer Resolution No. 200)

11.3 Corporate Policy Directorate

11.3.1 Commentary on the proposed Protection of the Environment Operations (Waste) Regulation 2014 (10210323)

208 RESOLVED: Boyle/Moran

That Council receive and note this report.

CARRIED UNANIMOUSLY

11.3.2 Investment Policy Review (10203983)

209 RESOLVED: Moran/Marsh

That this item be deferred to a future meeting of Council in order to allow for a briefing of Councillors to be arranged by Council Officers.

CARRIED UNANIMOUSLY

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11.3.3 Request for Financial Assistance - First Round of Allocations 2014/15 (10189704)

MOTION: Marsh/Rankin

That Council provide financial assistance from the miscellaneous donations budget totalling \$3,390 to the following:

| | |
|---|---------|
| All Saints Preschool Albion Park Inc | \$ 800 |
| Lake Illawarra Little Athletics Centre Inc | \$ 300 |
| Oak Flats Garden Club | \$ 500 |
| St Vincent de Paul Society - Shellharbour City Conference | \$ 790 |
| Southern Youth & Family Services | \$1,000 |

Councillor Moran proposed the following amendment, which was accepted by the Mover but not by the Seconder:

The Lake Illawarra Little Athletics Centre Inc. funding allocation be increased to \$500.00.

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

The Lake Illawarra Little Athletics Centre Inc. funding allocation be increased to \$500.00.

210 RESOLVED: Marsh/Rankin

That Council provide financial assistance from the miscellaneous donations budget totalling \$3,390 to the following:

| | |
|---|---------|
| All Saints Preschool Albion Park Inc | \$ 800 |
| Lake Illawarra Little Athletics Centre Inc | \$ 300 |
| Oak Flats Garden Club | \$ 500 |
| St Vincent de Paul Society - Shellharbour City Conference | \$ 790 |
| Southern Youth & Family Services | \$1,000 |

CARRIED: 5/2

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

11.3.4 The Links costs since 2000 (1019005)

This item was considered following Addresses to Council (refer Resolution No. 201)

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11.3.5 Telecommunication Surrender of Lease and New Lease - Lot 21 in Deposited Plan 653009, Buckleys Road Dunmore (10210331)

211 RESOLVED: Marsh/Murray

1. That Council surrender the lease with 3GIS Pty Limited and enter into a new Lease with Vodafone Network Pty Limited for premise Lot 21 in Deposited Plan 653009, Buckleys Road Dunmore.
2. The terms of the lease with Vodafone Network Pty Limited are to be based on the same terms as the council resolution of 18th December 2007 number 129.
3. That the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the surrender of the lease with 3GIS Pty Limited and new lease agreement with Vodafone Network Pty Limited from premise Lot 21 in Deposited Plan 653009, Buckleys Road Dunmore under Council Seal.

CARRIED: 6/1

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

212 RESOLVED: Saliba/Murray

That the meeting be adjourned for five minutes.

CARRIED UNANIMOUSLY

Meeting adjourned at 7.57pm

Meeting resumed at 8.08pm

11.4 Shellharbour Enterprises Directorate

11.4.1 Potential Impacts of the Current Staff Restructure on Bass Point and Blackbutt Reserves (10203342)

Councillor Marsh asked "why are the park gates at Wentworth Cottage Park permanently unlocked if Council are paying subcontractors to lock and unlock them?" The General Manager took the Question on Notice.

213 RESOLVED: Moran/Marsh

That Council receive and note this report.

CARRIED UNANIMOUSLY

11.4.2 Social Economic Costs and Benefits of Replacing Grass and Mulch with Native Ground Covers on Suitable Traffic Islands and Roundabouts (10203605)

214 RESOLVED: Moran/Murray

That Council receive and note this report.

CARRIED UNANIMOUSLY

11.4.3 Viability of Forming a Committee for Bass Point and Blackbutt Forest (10204150)

Councillor Moran moved a POINT of ORDER that the Mayor did not hear Councillor Marsh's Motion she was proposing to move before calling for a seconder. The Mayor accepted the Point of Order and asked for details of the Motion.

MOTION: Marsh/Moran

That this item be deferred to a future meeting of Council.

The Mayor MOVED a POINT of ORDER in relation to Councillor Marsh's comments during her address and Councillor Marsh retracted her comments.

Councillor Marsh MOVED a POINT of ORDER in relation to the Mayor's comments during her address. The Mayor ruled against the POINT of ORDER and continued her address.

215 RESOLVED: Marsh/Moran

That this item be deferred to a future meeting of Council.

CARRIED UNANIMOUSLY

Councillor Stewart attempted to raise business arising but the Mayor ruled that it did not relate to this item.

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12. Committee Recommendations

12.1 Recommendations from the Traffic Committee Meeting held 2 July 2014 recommended for adoption.

216 RESOLVED: Stewart/Boyle

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

CARRIED UNANIMOUSLY

13. Items for Information

13.1 Response to Question on Notice Submitted by Cr Peter Moran: How Much Liability Council has been Accruing under the Carbon Tax (10210305)

13.2 Response to Question on Notice submitted by Cr Peter Moran: Privacy Management (10209428)

13.3 Response to Question on Notice submitted by Cr Peter Moran: Memo (Complainants and Investigations by the Department of Local Government) (10209574)

13.4 Response to Question on Notice submitted by Cr Peter Moran: Shell Cove Progress Report to 15 June 2014 (10517147)

That the 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: Cemetery (10202814)

217 RESOLVED: Marsh/Moran

1. That council staff investigate and prepare a report pertaining to viable land options in the city for a new cemetery.

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2. Council staff investigate and report back to council options for residents when they are pre purchasing burial plots or other cemetery services to pay either upfront or via instalment provided that the instalment option includes conditions to protect Council's financial interests.
3. Council investigate and prepare a report to come back to council pertaining to Council offering triple plots for burials.

CARRIED: 5/2

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

AGAINST VOTE - Cr Saliba, Cr Rankin

15.2 Notice of Motion submitted by Cr Kellie Marsh: Shellharbour Village War Memorial (10202820)

MOTION: Marsh/Stewart

Council investigates and prepares a report pertaining to the installation of CCTV cameras at the Shellharbour Village War Memorial.

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

That the lighting be investigated at that location.

218 RESOLVED: Marsh/Stewart

That Council investigate and prepare a report pertaining to the installation of CCTV cameras at the Shellharbour Village War Memorial and the lighting at that location.

CARRIED: 6/1

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

AGAINST VOTE - Cr Rankin

15.3 Notice of Motion submitted by Cr Peter Moran: City Hub (10202877)

MOTION: Moran/Marsh

That the new Council Administration offices in the Hub, if built, be named 'The Taj Mahal.'

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Councillor Marsh proposed the following addition to the Motion, which was not accepted by the Mover:

That an ivory tower be built for the ALP.

219 The MOTION on being PUT to the MEETING was LOST 2/5

FOR VOTE - Cr Moran, Cr Marsh

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

15.4 Notice of Motion submitted by Cr Kellie Marsh and Cr Peter Moran: Warilla Childcare Centre (10202833)

Note: The Director City Outcomes had previously declared a non-pecuniary interest and left the Chamber at 9.29pm whilst this matter was being considered.

220 RESOLVED: Marsh/Moran

That Council writes to the appropriate Minister with carriage for the Warilla Childcare matter requesting the Minister grants Council an extension of time whereby Council pays \$1 per year rent until December 2015.

CARRIED UNANIMOUSLY

The Director City Outcomes returned to the Chamber at 9.31pm

15.5 Notice of Motion submitted by Cr Marianne Saliba: Refugee Welcome Zone (10205734)

MOTION: Saliba/Marsh

That a report be prepared on the possibility that the Council declare itself a Refugee Welcome Zone in accordance with the 2002 initiative of the Refugee Council of Australia and thereby commit to welcoming refugees into the community and enhancing cultural and religious diversity in the community.

During Councillor Moran's address Councillor Marsh moved a POINT of ORDER that Councillor Moran was not speaking to the Item. The Mayor ruled against the POINT of ORDER and Councillor Moran continued his address.

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221 RESOLVED: Saliba/Marsh

That a report be prepared on the possibility that the Council declare itself a Refugee Welcome Zone in accordance with the 2002 initiative of the Refugee Council of Australia and thereby commit to welcoming refugees into the community and enhancing cultural and religious diversity in the community.

CARRIED: 5/2

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

Councillor Marsh left the Chamber at 9.38pm

15.6 Notice of Motion submitted by Cr Peter Moran: 2005 Memo Headed "Complainants and Investigations by the Department of Local Government" (10209016)

Councillor Marsh returned to the Chamber at 9.40pm

MOTION: Moran/Stewart

1. Council notes that at the meeting of 10 June 2014 Councillor Moran asked has the 2005 memo headed "complainants and investigations by the Department of Local Government" ever been used for a purpose other than that for which it was prepared? The General Manager took the Question on Notice.
2. Council resolves that this question be answered by way of a report to Council included in section 11 of the Agenda of a future meeting of council.

222 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

15.7 Notice of Motion submitted by Cr Peter Moran: Privacy Management Plan (10209017)

MOTION: Moran/Marsh

1. Council notes that during discussion of item 11.3.1 Privacy Management Plan in the business paper of the council meeting of 10 June 2014 Councillor Moran asked has the personal information held by Council on residents and ratepayers ever been used for a purpose other than that of

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which it was collected without the consent of the individuals concerned?
The General Manager took the Question on Notice.

2. Council resolves that when this question is answered it is answered by way of a report to Council and included in section 11 of the agenda for that meeting.

Councillor Marsh MOVED a POINT of ORDER that the Mayor was entering into the debate. The Mayor ruled against the Point of Order and continued her address.

Councillor Murray MOVED a POINT of ORDER that Councillor Moran was not speaking on the item, which was accepted by the Mayor.

223 RESOLVED: Stewart/Murray

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

CARRIED: 6/1

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

224 RESOLVED: Moran/Marsh

1. Council notes that during discussion of item 11.3.1 Privacy Management Plan in the business paper of the council meeting of 10 June 2014 Councillor Moran asked has the personal information held by Council on residents and ratepayers ever been used for a purpose other than that of which it was collected without the consent of the individuals concerned?
The General Manager took the Question on Notice.
2. Council resolves that when this question is answered it is answered by way of a report to Council and included in section 11 of the agenda for that meeting.

CARRIED UNANIMOUSLY

15.8 Notice of Motion submitted by Cr Peter Moran: Delivery Program 2013-2017 (10209022)

225 RESOLVED: Moran/Marsh

1. Council note that at the meeting of 10 June 2014 while discussing item 11.1.1 Delivery Program 2013-2017, Councillor Moran asked how much liability Council has been accruing under the carbon tax as it is now, how much we expect to save if the carbon tax is repealed and will there be

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any allowance made for any potential savings if the carbon tax is repealed other than going into general revenue? The General Manager took the Question on Notice.

2. Council resolves that the answers to these questions be provided as a report to Council in section 11 of the agenda of a meeting of Council at the earliest convenience of Council officers

CARRIED UNANIMOUSLY

Business Arising

Councillor Moran asked "is Council a liable party under the Federal carbon tax legislation as it was in force and if it is was, is it fair to say that the liability is in fact Councils? Where individuals under the previous carbon tax legislation who brought material to Dunmore Tip, were they individually liable parties under the Federal Government's carbon tax legislation and thus they were liable for a carbon tax?" The General Manager took the Question on Notice.

226 RESOLVED: Moran/Marsh

That a report be provided to the next Council meeting of the implications of the removal of the carbon tax in terms of fees at Dunmore Tip.

CARRIED UNANIMOUSLY

15.9 Notice of Motion submitted by Cr Peter Moran: Damage Caused to the East-West Runway (10209026)

227 RESOLVED: Moran/Stewart

That the answer provided to Question on Notice 13.6 Damage Caused to the East-West Runway During the Wings Over Illawarra Event in the business paper of 1 July 2014 be provided to the next Ordinary meeting of Council as a report in section 11 of the agenda

CARRIED UNANIMOUSLY

15.10 Notice of Motion submitted by Cr Peter Moran: HARS (10209029)

228 RESOLVED: Moran/Stewart

That the answer to Question on Notice 13.2 (HARS) in the Business Paper of 1 July 2014 be reported to the next Ordinary meeting of Council as an officer's report in section 11 of the agenda.

CARRIED UNANIMOUSLY

15.11 Notice of Motion submitted by Cr Peter Moran: The Links (10209034)

229 RESOLVED: Moran/Stewart

Council resolves that the answer to a Question on Notice at 13.1 The Links of the Business paper of 1 July 2014 be provided to the next meeting of Council as an officer's report in section 11 of the agenda.

CARRIED UNANIMOUSLY

15.12 Notice of Motion submitted by Cr Peter Moran: Shell Cove (10209038)

Councillor Moran withdrew this Notice of Motion.

15.13 Notice of Motion submitted by Cr Peter Moran: Council Meeting Recordings (10209040)

230 RESOLVED: Moran/Stewart

That Council officers provide a report to a future meeting of Council on the possibility of council:

- A) Reinstating to its website recordings of all open sessions of all Council meetings held since webcasting began, and
- B) Retaining recordings of those meetings on its website without any time limitations.

CARRIED UNANIMOUSLY

15.14 Notice of Motion submitted by Cr Peter Moran: The Hub (10209043)

The Mayor left the Chamber and Councillor Rankin assumed the Chair at 10.22pm.

The Mayor returned to the Chamber and assumed the Chair at 10.25pm.

231 RESOLVED: Moran/Marsh

That Council officers present a report to Council on the environmental benefits and economic costs and benefits of fitting a photovoltaic solar system to the Hub.

CARRIED UNANIMOUSLY

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

Nil

17. Urgent Business

Councillor Stewart attempted to raise an item of urgent business and the Mayor ruled that it was not an item of urgent business.

Following comments made by Councillor Moran, Councillor Murray moved a POINT of ORDER, which was accepted by the Mayor.

Councillor Marsh attempted to raise an item of urgent business and the Mayor ruled that it was not an item of urgent business.

232 RESOLVED: Saliba/Rankin

That the meeting be resumed on 12 August 2014.

CARRIED: 4/3

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

AGAINST VOTE - Cr Moran, Cr Murray, Cr Stewart

Meeting adjourned 22 July 2014 at 10.30 pm

Meeting reconvened 12 August 2014 at 10.41pm

18. Committee of the Whole in Closed Session: Adjournment

4.1 The Links Shell Cove (10205130)

The Mayor explained that this item was listed for consideration in Committee of the Whole (Confidential Session) on the agenda for the 22 July 2014 Ordinary Council Meeting.

This matter was subsequently dealt with at the Extraordinary Council Meeting, called specifically to deal with this matter, held 11 August 2014 and which was advertised to the public.

As there was no further business, the Mayor closed the meeting.

Meeting closed at 10.42 pm