

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 30 September 2014 commencing at 6.30 pm**

Present

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

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 Community Connections	K Baget-Juleff (part)
Acting Group Manager Infrastructure Services	D Flanagan
Group Manager City Strategy	G Hoynes (part)
Group Manager City Development	G Meredith (part)
Manager Financial Services	P Henderson (part)
Shell Cove Commercial Manager	K James (part)
Manager Assets & Projects	G Standen (part)
Property Officer	M Scozzafava (part)
Media Officer	C Lewis
Senior Executive Assistant (Minute Taker)	L Davey
Council Liaison Officer	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 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 2 September 2014

297 RESOLVED: Rankin/Boyle

That the Minutes of the Ordinary Council Meeting held on 2 September 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.2 Extraordinary Meeting (1) 2 September 2014

298 RESOLVED: Rankin/Boyle

That the Minutes of the Extraordinary Council Meeting (1) held on 2 September 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.2 Extraordinary Meeting (2) 2 September 2014

299 RESOLVED: Rankin/Boyle

That the Minutes of the Extraordinary Council Meeting (2) held on 2 September 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.2 Extraordinary Meeting (3) 2 September 2014

300 RESOLVED: Rankin/Boyle

That the Minutes of the Extraordinary Council Meeting (3) held on 2 September 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED 6/1

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

3. Apologies / Leave of Absence

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 City Hub Financing Options (10254585)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of section 10A(2) (c, d(i), d(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, or

Council will be considering the possible divestment of a number of properties. Whilst any decision to sell such assets should be made in the public domain, early consideration of information pertaining to any sales must be conducted in confidential session, to enable candid debate of commercial details, options and strategies and to protect the public interest and the debate, from influence of vested interests at this early stage of consideration.

Further, as part of the report, valuation reports including market value of the properties have been attached. The valuation reports are only for the use of the party to whom the valuation is addressed (being the Council). By releasing the valuation to the public, the rights of the third party (in this case the valuer) would be infringed.

5. Pecuniary Interest and Conflict of Interest Declarations

Nil

6. Condolences

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

Mr Jason Van Krevel	of	Albion Park
Mr Robert Coletta	of	Albion Park
Mr Ashley Hughes	formerly of	Albion Park Rail
Ms Shayne Staunton	of	Albion Park Rail
Mr Zoltan Kirschner	of	Albion Park Rail
Mrs Anne Mercieca	of	Barrack Heights
Mr Antonio De Nobrega Quintal	of	Barrack Heights

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Mrs Jeanne Parkes	of	Barrack Heights
Mr John Dansey	of	Barrack Heights
Mr William Henry Barrett	of	Barrack Heights
Mrs Olive Seveir	of	Flinders
Mr Walter Alan Soper	of	Mt Warrigal
Mr Bart Velthuis	of	Mt Warrigal
Mr Warren Hayes	of	Oak Flats
Mr Ern Senior	of	Shell Cove
Mrs Pauline Patricia Hellmund	of	Shellharbour
Mr Dennis Austin Glover-Chambers	of	Warilla
Mrs Jennifer Neaves	of	Warilla
Mrs Rafaela Carrion	of	Warilla
Mrs Sylvie Everingham	of	Warilla
Mr William Johnson	of	Warilla
Mr Thomas Hulme	of	Warilla

301 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
11.1.2 Policy Review - Privacy Management Plan	Sonya McKay
11.2.3 Shellharbour LEP 2013 Planning Proposal No 6 - Adoption of Exhibited Planning Proposal for updated Mineral Resource and Transition Area details	Glenn Steggles - Dunmore Resources & Recycling Edwin Burton
11.3.2 CCTV Cameras at the Shellharbour Village War Memorial	Paul Hockey
11.3.5 Proposed Public Private Partnership - Green, Sim and Wallington for Part Lot 10, DP 1157377, Airport Road, Albion Park Rail, Illawarra Regional Airport	Phillip Ayrton Sonya McKay
11.3.6 Proposed Licence with Historical Aircraft Restoration Society Incorporated	Bob Delahunty - HARS Sonya McKay

Councillor Moran MOVED a POINT of ORDER in relation to the Mayor's comments on the receipt of the late registration for public address. The Mayor stated that was Councillor Moran's opinion and continued with the meeting.

302 RESOLVED: Murray/Rankin

That the late registrant not be permitted to speak.

CARRIED 5/2

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

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303 RESOLVED: Murray/Rankin

That the meeting be adjourned for 5 minutes.

CARRIED 4/3

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

Meeting adjourned at 7.10pm

Meeting resumed at 7.16 pm

304 RESOLVED: Rankin/Stewart

That Standing Orders be suspended in order for Items 11.1.2, 11.2.3, 11.3.2, 11.3.5 and 11.3.6 the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

11.1.2 Policy Review: Privacy Management Plan (10251430)

MOTION: Murray/Boyle

That Council adopt the revised and amended Privacy Management Plan.

Councillor Moran stated that the 2005 memo was released under GIPA and asked if all of the individuals named in that memo were contacted by Council before their private information was released? The General Manager took the Question on Notice.

Councillor Marsh asked what purpose was the information contained in the 2005 memo originally collected for? The General Manager took the Question on Notice.

Councillor Moran FORESHADOWED a MOTION that should the Motion be lost, that he would move that this item be deferred to a future Council Meeting.

305 RESOLVED: Murray/Boyle

That Council adopt the revised and amended Privacy Management Plan.

CARRIED 5/2

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

11.2.3 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 6 - Adoption of exhibited Planning Proposal for updated Mineral Resource and Transition Area details (10259771)

MOTION: Marsh/Moran

That this item be deferred to a future Council Meeting.

The Mayor proposed an amendment to the Motion that the item be deferred to the next Council Meeting, which was accepted by the Mover:

306 RESOLVED: Marsh/Moran

That this item be deferred to the next Council Meeting.

CARRIED UNANIMOUSLY

11.3.2 CCTV cameras at the Shellharbour Village War Memorial (10251843)

MOTION: Murray/Rankin

1. That Council receive and note this report.
2. That CCTV cameras and additional lighting not be installed at the War Memorial at Caroline Chisholm Park in Shellharbour Village.

Councillor Stewart proposed an addition to the Motion, and the Mover accepted the addition of point 3 as follows:

3. That Council investigate the provision of better lighting in the area.

307 RESOLVED: Murray/Rankin

1. That Council receive and note this report.
2. That CCTV cameras and additional lighting not be installed at the War Memorial at Caroline Chisholm Park in Shellharbour Village.
3. That Council investigate the provision of better lighting in the area.

CARRIED 6/1

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

11.3.5 Proposed Public Private Partnership - Green, Sim and Wallington for Part Lot 10, DP 1157377, Airport Road, Albion Park Rail, Illawarra Regional Airport (10254093)

308 RESOLVED: Marsh/Boyle

1. The Council submit an application for the Public Private Partnership between Stephen Francis Green, Geoffrey Robert Sim and Valeria Ann Wallington and Shellharbour City Council to the Division of Local Government - Department of Premier and Cabinet for part of Lot 10 in Deposited Plan 1157377.
2. Mayor and General Manager or his nominated delegate be authorised to sign all necessary documentation associated with the application to Division of Local Government - Department of Premier and Cabinet for the Public Private Partnership between the Stephen Francis Green, Geoffrey Robert Sim and Valeria Ann Wallington and Shellharbour City Council.
3. That a further report be presented to Council outlining the details of the proposed Agreement to Lease and Lease Agreement if the Public Private Partnership with the Stephen Francis Green, Geoffrey Robert Sim and Valeria Ann Wallington is approved by the Division of Local Government - Department of Premier and Cabinet.

CARRIED 6/1

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

11.3.6 Proposed Licence with Historical Aircraft Restoration Society Incorporated (10254043)

MOTION: Murray/Rankin

1. That Council enter into a 12 month licence with Historical Aircraft Restoration Society Incorporated (HARS) for an annual rental of \$3,300 plus GST for part of Lot 10 in Deposited Plan 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport to conduct Open Days on each second Friday and following Saturday and Sunday of each month.
2. That the annual rental of \$3,300 be subsidised by 45.83% in accordance with Councils Community Halls & Centres Management Policy;
3. That Council note the "in-kind donation" of \$1,512.39 in Council's aggregate record of donations to the community.
4. That the Mayor and General Manager or his nominated delegate be authorised to sign the licence agreement, under Council Seal.

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Councillor Moran proposed an amendment that part 2 be ceased after "\$3,300", which was not accepted by the Mover.

Councillor Marsh asked what subsidy Council gives to the Illawarra Light Railway Museum? The General Manager took the Question on Notice.

309 RESOLVED: Murray/Rankin

1. That Council enter into a 12 month licence with Historical Aircraft Restoration Society Incorporated (HARS) for an annual rental of \$3,300 plus GST for part of Lot 10 in Deposited Plan 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport to conduct Open Days on each second Friday and following Saturday and Sunday of each month.
2. That the annual rental of \$3,300 be subsidised by 45.83% in accordance with Councils Community Halls & Centres Management Policy;
3. That Council note the "in-kind donation" of \$1,512.39 in Council's aggregate record of donations to the community.
4. That the Mayor and General Manager or his nominated delegate be authorised to sign the licence agreement, under Council Seal.

CARRIED 6/1

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

310 RESOLVED: Rankin/Murray

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

311 RESOLVED: Saliba/Rankin

That the meeting be adjourned for 5 minutes.

CARRIED 5/2

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

Meeting adjourned at 8.17 pm

Meeting resumed at 8.27 pm

8. Mayor's Statements / Reports / Presentations

The Mayor outlined some of the events she has attended since the last Council Meeting.

9. Councillors' Reports

Nil

10. Mayoral Minutes

Nil

11. Reports

11.1 General Manager

11.1.1 NSW Government Response to the Independent Local Government Review Panel and Local Government Acts Taskforce (10254536)

312 RESOLVED: Murray/Marsh

That Council:

1. Note the Office of Local Government Circular and the NSW Government response to the Independent Local Government Review Panel and Local Government Acts Taskforce.
2. Participate in the pilot program for the establishment of Joint Organisation of Councils with Kiama Municipal Council, Shoalhaven City Council and Wollongong City Council.

CARRIED UNANIMOUSLY

11.1.2 Policy Review: Privacy Management Plan (10251430)

This item was considered following Addresses to Council (refer Resolution No. 305).

11.1.3 Disclosure of Interest Returns 1 July 2013 - 30 June 2014 (10230764)

313 RESOLVED: Marsh/Rankin

1. That the names and positions set out in this report be identified as the designated persons for the lodgement of Disclosure of Interest Forms for Shellharbour City Council, for the period 1 July 2013 to 30 June 2014.
2. That Council note the tabling of the register of returns.

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

11.2.1 All Abilities Play Space (10259761)

314 RESOLVED: Moran/Marsh

That Council:

1. Further investigate Pelican View Reserve to be upgraded to an all abilities play space in the short term. This investigation will consider concept designs, funding sources, community consultation and CPTED assessments.
2. Further investigate Reddall Reserve to be upgraded and renewed as an all abilities play space. This investigation will consider master planning, concept designs, funding sources, community consultation and CPTED assessments
3. Further investigate the provision of all abilities play opportunities as part of the landscape master plans of the Calderwood Urban Development Project and The Waterfront, Shell Cove.

CARRIED UNANIMOUSLY

11.2.2 Healthy Ageing Strategy (10259766)

315 RESOLVED: Marsh/Moran

1. That Council adopt the Draft Healthy Ageing Strategy for the purposes of public exhibition.
2. That the Draft Healthy Ageing Strategy be placed on public exhibition allowing for public submissions for a period of twenty-eight (28) days.

3. That following the close of the public exhibition period, if any relevant submissions are received, the Draft Healthy Ageing Strategy, together with those public submissions, be reported back to Council for consideration.
4. That if no submissions are received during the public exhibition period, the Draft Healthy Ageing Strategy be adopted without a further report to Council.

CARRIED UNANIMOUSLY

11.2.3 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 6 - Adoption of exhibited Planning Proposal for updated Mineral Resource and Transition Area details (10259771)

This item was considered following Addresses to Council (refer Resolution No. 306).

11.2.4 Planning Proposal No. 7 - Ashburton Drive, Albion Park (10259773)

316 RESOLVED: Murray/Rankin

1. Council adopt the Zoning and Planning Controls for Shellharbour Local Environmental Plan 2013 Planning Proposal No 7 as outlined in Attachments 3-7.
2. Council 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*.
3. Council 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*.
4. Council 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

11.2.5 Planning Proposal No. 14 - Calderwood Valley Golf Course (10259777)

317 RESOLVED: Rankin/Murray

1. Council prepare a Planning Proposal (No. 14) to amend Shellharbour Local Environmental Plan 2013 to rezone part of Lot 6 DP 2534 Calderwood Road, Calderwood from RU1 Primary Production to RE2 Private Recreation.
2. The Council authorise the General Manager to submit the Planning Proposal (Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No 14) to the NSW Department of Planning & Environment in accordance with section 56 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.
3. That Council as part of its gateway submission apply to the Department of Planning and Environment to use its plan making related delegations including to make or not make the plan under section 59 of the *Environmental Planning and Assessment Act*, after any public exhibition of the draft plan.
4. The Council 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. 14 if and as required by the NSW Department of Planning & Environment's LEP Review Panel and gateway determination.
5. The Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No 14 be publically exhibited in accordance with the gateway determination.
6. A report be submitted to the Council on the public exhibition of the Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No 14 detailing the outcomes of the community and government agency engagement.
7. The Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No. 14 be reported back to the Council for final consideration and with further recommendations regarding adoption.

CARRIED UNANIMOUSLY

11.2.6 Section 96AB Review of Refusal of DA 591/2007 (Part 5) and Request for Deferred Section 94 Payment (10259797)

318 RESOLVED: Murray/Rankin

That Council:

1. Uphold its refusal determination of the modification to DA 591/2007 (Part 4);
2. Refuse the request for a deferred payment of Section 94 Contributions;
3. Require that Section 94 Contributions remain payable in accordance with DA 591/2007 (Part 4).

CARRIED UNANIMOUSLY

11.3 Corporate Policy Directorate

11.3.1 Costs and benefits to include Photo-voltaic Solar on the City Hub building (10233003)

Councillor Rankin asked if the State Government is still giving feeding tariffs back and would Council be eligible if this is still available? The Manager Assets & Projects took the Question on Notice.

319 RESOLVED: Murray/Moran

That the information be received and noted.

CARRIED UNANIMOUSLY

11.3.2 CCTV cameras at the Shellharbour Village War Memorial (10251843)

This item was considered following Addresses to Council (refer Resolution No. 307)

11.3.3 Review of Investment Policy (10253006)

320 RESOLVED: Murray/Boyle

That Council adopt the attached revised Investment Policy.

CARRIED UNANIMOUSLY

11.3.4 2014 NSW Local Roads Congress Communiqué (10256774)

321 RESOLVED: Marsh/Boyle

That the Council gives in principle support to the 2014 NSW Local Roads Congress Communiqué document dated 2 June 2014.

CARRIED UNANIMOUSLY

11.3.5 Proposed Public Private Partnership - Green, Sim and Wallington for Part Lot 10, DP 1157377, Airport Road, Albion Park Rail, Illawarra Regional Airport (10254093)

This item was considered following Addresses to Council (refer Resolution No. 308).

11.3.6 Proposed Licence with Historical Aircraft Restoration Society Incorporated (10254043)

This item was considered following Addresses to Council (refer Resolution No. 309).

11.3.7 Requests for Donation - Second round of Allocations 2014/15 (10233649)

322 RESOLVED: Rankin/Marsh

1. That Council provide financial assistance from the miscellaneous donations budget totalling \$7,100 to the following:

- | | |
|---|---------|
| ▪ Sistza Strong - Womens' Aboriginal Football Team
- Uniforms for Aboriginal Rugby League Knockout | \$900 |
| ▪ United Koori Elders Social Group
- Costs associated with attendance at Koori Mini Olympics | \$500 |
| ▪ Red Cross - Albion Park
- Assist with Centenary Flower Show | \$250 |
| ▪ St Vincent de Paul - Shellharbour/Warilla
- Christmas luncheon for disadvantaged residents | \$500 |
| ▪ St Vincent de Paul - Albion Park
1. Food Vouchers
2. Funeral Fund | \$1,750 |
| ▪ The Disability Trust
- Assist with costs to hire Shellharbour Stadium for programs | \$800 |

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- Stingrays JRLFC \$1,500
- Assist with DA fees for upgrade of Flinders Reserve
 - Shellharbour LGA Schools - end of year awards \$ 900
- Community Service Awards - \$25 vouchers per primary school, \$50 vouchers per high school in the LGA.
2. That the following groups each receive equal proportions of the remaining 30% of proceeds from Australia Day Breakfast by the Lake 2014, Cash for City Charities programme:
- The Girls Brigade
 - The Denny Foundation
 - Illawarra Communications Brigade (Rural Fire Service)
3. That the following groups receive funding from Council's Small Environmental Grants programme, as detailed below:
- Shell Cove Public School - Figs, Flying Foxes, Friends and the Cabbage Tree Palm \$2,415
 - Stella Maris Catholic Primary School - Coastal Frontline Habitat Garden and Outdoor Learning Space \$2,000
 - St Paul's Catholic School - Tanky Times \$2,500
 - Illawarra Home Schooling Network - Educational gardening and food sustainable classes \$1,275
 - CAPAH Multicultural Association Incorporated - Digging for culture \$1,766

CARRIED UNANIMOUSLY

11.3.8 E-Waste Collection at Dunmore Recycling and Waste Disposal Depot (10255010)

MOTION: Moran/Boyle

That Council:

1. Cease accepting televisions and computers at the Dunmore Recycling & Waste Disposal Depot as of close of business Sunday 5 October 2014; until such time that an alternative collection arrangement under the Federal National Television and Computer Product Stewardship Scheme is secured.

2. Endorse the transition plan detailed in the report.

Councillor Marsh proposed an amendment to the Motion that the date be changed to 13 October 2014, which was not accepted by the Mover.

323 RESOLVED: Moran/Boyle

That Council:

1. Cease accepting televisions and computers at the Dunmore Recycling & Waste Disposal Depot as of close of business Sunday 5 October 2014; until such time that an alternative collection arrangement under the Federal National Television and Computer Product Stewardship Scheme is secured.
2. Endorse the transition plan detailed in the report.

CARRIED 6/1

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

11.4 Shellharbour Enterprises Directorate

11.4.1 Pool Promotional Activities (10253276)

324 RESOLVED: Rankin/Boyle

That Council endorse:

1. Amending the 2014/15 Fees and Charges in the Operational Plan to allow for the General Manager to vary the entry fee to the three fee-for-entry pools at promotional times by inserting the wording at the end of Section 9.1 – Swimming Pool Fees (p. 51):

"The General Manager has the ability to vary Pool Fees from time to time for the purpose of facilitating Council pool promotion activities."
2. The proposed amendment in 1. be placed on public exhibition allowing for public submissions for a period of twenty-eight (28) days.
3. Following the close of the public exhibition period, if any relevant submissions are received, the matter will be reported back to Council for consideration.

4. If no submissions are received during the public exhibition period, the amendment be adopted without a further report to Council.

CARRIED UNANIMOUSLY

11.4.2 Shell Cove Progress Report to 14 September 2014 (10228021)

Councillor Moran asked when the 2009 Feasibility Study was adopted by Council? The Shell Cove Commercial Manager took the Question on Notice.

325 RESOLVED: Murray/Marsh

That the progress report for the period from 16 June 2014 to 14 September 2014 for the Shell Cove Project be received and noted.

CARRIED UNANIMOUSLY

12. Committee Recommendations

12.1 Recommendations from the Traffic Committee Meeting held 3 September 2014 recommended for adoption.

326 RESOLVED: Stewart/Boyle

That the Recommendations from the Traffic Committee Meeting held 3 September 2014 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

13.1 Response to Question on Notice submitted by Cr Kellie Marsh: Security of Airport (10252179)

That the Item for Information be formally noted.

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

15.1 Notice of Motion submitted by Cr Marsh: Lake Illawarra Family Violence Support Services (10258362)

327 RESOLVED: Marsh/Stewart

That Council:

- i) acknowledge the work of the Lake Illawarra Family Violence Support Service.
- ii) Council notes this acknowledgement is supported by its own Community Strategic Plan Objective 1.1 of a "Vibrant, safe and inclusive City" and the associated Strategy 1.1.3 of " make Shellharbour a friendly environment where people feel safe", as well as the Objective 1.2 of " Active and healthy community" and the associated Strategy 1.2.1 of "provide residents access to a range of services and facilities that are relevant and responsive to health and wellbeing"
- iii) write to the NSW Premier, the Hon. Mike Baird MP; the Hon. Ms. Gabrielle Upton MP, NSW Minister for Family and Community Services; the Hon Pru Goward MP, NSW Minister for Women and local State and Federal members of Parliament, seeking their support for the continuation of the funding of the Lake Illawarra Family Violence Support Service.

CARRIED UNANIMOUSLY

15.2 Notice of Motion submitted by Cr Marsh: Council Meetings held in suburbs (1028355)

328 RESOLVED: Marsh/Moran

That:

- i) Officers provide the Council with a report on the viability of holding up to two Ordinary Council Meetings per year in areas within the Local Government Area other than Lamerton House, with the dates of these to be set following the Extraordinary Meeting of Council of 30 September 2014.
- ii) the report include a consideration of using Council's Community Transport service to assist access to these meetings by residents.

CARRIED UNANIMOUSLY

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15.3 Notice of Motion submitted by Cr Moran: Illawarra Regional Airport (10258581)

329 RESOLVED: Moran/Marsh

That Council officers prepare a report to Council detailing the circumstances whereby a light plane was damaged at the Illawarra Regional Airport on 19 September 2014. Such a report shall include, but not be limited to, the activities being undertaken by the damaged plane and the HARS aircraft immediately prior to the incident, and were all safety rules in place to ensure the safety of aircraft being followed. The report is to include whether it is necessary to adopt new rules or procedures to ensure such an incident does not occur again.

CARRIED UNANIMOUSLY

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

17. Urgent Business

Nil

18. Committee of the Whole in Closed Session: Adjournment

The Mayor asked whether anyone in the public gallery wished to speak on the reasons why Item 4.1 City Hub Financing Options, should not be held in Confidential Session (closed to the public). One member of the public expressed their interest in addressing the Council.

330 RESOLVED: Rankin/Marsh

That members of the public be permitted to address Council on the reasons why they consider Items 4.1 should not be held in Confidential Session (closed to the public).

CARRIED UNANIMOUSLY

Agenda Item No & Title	Name
4.1 City Hub Financing Options	Sonya McKay

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MOTION: Rankin/Marsh

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)(c, d(i), d(ii)) 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*.

Councillor Moran MOVED a POINT of ORDER in relation to the Mayor's comments to Councillor Marsh. The Mayor clarified that she was asking if Councillor Marsh was speaking for or against the Motion as she is the Seconder of the Motion. Councillor Moran MOVED a further POINT of ORDER and stated that Councillor Marsh is not required to answer that question and can choose how she wishes to speak to a motion and if he was Councillor Marsh he would refuse to answer that question. The Mayor stated that it is a decision that Councillor Marsh can make and stated that there is a need to know if a Councillor is speaking for or against a Motion.

MOTION: Moran

That the MOTION be PUT.

The Mayor ruled the Motion out of order as there had been no speakers who had spoken in favour of the Motion.

331 RESOLVED: Rankin/Marsh

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)(c, d(i), d(ii)) 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*.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 30 September 2014

CARRIED 4/3

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

AGAINST VOTE - Cr Moran, Cr Stewart, Cr Marsh

Meeting adjourned at 9.42 pm

Meeting resumed at 10.28 pm

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

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

4.1 City Hub Financing Options (10254585)

COMMITTEE RECOMMENDATION:

That the information be received and noted

332 RESOLVED: Murray/Rankin

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

CARRIED 5/2

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

AGAINST VOTE - Cr Moran, Cr Marsh

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

Nil

Meeting closed 10.32 pm