

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 11 November 2014

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 11 November 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 |
| Group Manager Infrastructure Services | M Boenisch |
| Group Manager City Strategy | G Hoynes |
| Acting Group Manager City Development | C Bern |
| Acting Group Manager Corporate Strategy | T James |
| Manager Property & Recreation | D Flanagan |
| Manager Assets & Projects | G Standen |
| Acting Manager Financial Services | A Bateman |
| Assistant Financial Accountant | L Mason |
| Property Assistant | L Doyle |
| Corporate Strategy Coordinator | S Colefax |
| Media Officer | C Lewis |
| Senior Executive Assistant | L Davey |
| Public Information Officer | S Stewart |
| | |
| Crowe Howarth | G Bradley |
| Crowe Howarth | C Wagner |

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 14 October 2014

362 RESOLVED: Murray/Marsh

That the Minutes of the Ordinary Council Meeting held on 14 October 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY
ABSENT. DID NOT VOTE - Councillor Moran

Councillor Moran here arrived at the meeting at 6.32 pm

2.2 Committee of the Whole 14 October 2014

363 RESOLVED: Murray/Marsh

That the Minutes of the Committee of the Whole Council Meeting held on 14 October 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

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5. Pecuniary Interest and Conflict of Interest Declarations

Nil

6. Condolences

The Council acknowledged the following deaths in the Local Government area. Councillor Marsh also requested one minute's silence to reflect on Remembrance Day.

| | | |
|---------------------------------|-------------|------------------|
| Mrs Yvonne Jean Stanford Miller | of | Albion Park |
| Mr Norman Smith | of | Albion Park |
| Mr Benito Guido Poloni | of | Albion Park |
| Mr Neville James Robb | of | Albion Park |
| Mr Robert Edward Ditton | formerly of | Albion Park |
| Mrs Valerie Irene O'Sullivan | of | Albion Park Rail |
| Mrs Carol Piana | of | Barrack Heights |
| Mr Alexander Stead | of | Barrack Heights |
| Mrs Sandra Baldwin | formerly of | Barrack Heights |
| Mrs Noelene Stewart | of | Barrack Point |
| Mr Richard Owen Speelman | of | Mount Warrigal |
| Mr Ian Lees | of | Mount Warrigal |
| Mrs Betty Maria Mahe | of | Oak Flats |
| Mrs Edith Burke | of | Shellharbour |
| Mr Kerry Patrick Casey | of | Shellharbour |
| Mrs Catherine Ivy Burton | of | Warilla |
| Mrs Priscilla Dawn Graham | of | Warilla |
| Mrs Colleen Joy Shacklock | of | Warilla |
| Mrs Ivy Sims | of | Warilla |
| Mr Michael Insley | of | Warilla |

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Mr Trevor Treleaven of Warilla

364 A Motion of condolence was passed by all present standing for two 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 |
|--|-------------|
| 11.1.4 Model Code of Conduct Complaints Statistic Report 2013-14 | Sonya McKay |
| 11.3.1 2014/15 Roads to Recovery Program | Sonya McKay |
| 11.3.3 Lone Pine relocation, Freedom Wall rebuild and Peace Grove Re-creation | Sonya McKay |

During Ms McKay's address on Item 11.3.3, Councillor Rankin MOVED a POINT of ORDER that Ms McKay was not speaking to the item. The Mayor stated that it was not a POINT of ORDER but reminded Ms McKay to speak to the item in the business paper.

365 RESOLVED: Boyle/Marsh

That Standing Orders be suspended in order for Items 11.1.4, 11.3.1 and 11.3.3 the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

11.1.4 Model Code of Conduct Complaints Statistics Report 2013-2014 (10281962)

366 RESOLVED: Murray/Marsh

That Council receive and note the Code of Conduct Complaints Statistics Report for the period 1 September 2013 to 31 August 2014 as presented.

CARRIED UNANIMOUSLY

11.3.1 2014/15 Roads to Recovery Program (10283388)

367 RESOLVED: Murray/Rankin

1. That Council endorse the 2014/15 Roads to Recovery Program as detailed in this report.
2. That the Mayor and General Manager, or his nominated delegate, be authorised to sign any necessary documentation related to these projects.

CARRIED UNANIMOUSLY

11.3.3 Lone Pine Relocation, Freedom Wall Rebuild and Peace Grove Re-creation (10288481)

368 RESOLVED: Murray/Rankin

1. That Council support in principle the proposed relocation site for the Lone Pine, Freedom Wall and Peace Grove being Lot 11 DP1125335 at Benaud Crescent, Warilla.
2. Prior to the lodgement of the development application the concept design and layout plan will be placed on public exhibition for 14 days and if any submissions are received a further report will be prepared for Council for consideration.

CARRIED 6/1

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

369 RESOLVED: Boyle/Marsh

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

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8. Mayor's Statements / Reports / Presentations

The Mayor outlined the events that she has attended since the last Council Meeting as follows:

- 15/10/14 Grand Opening of Toys "R" Us and Babies "R" Us
Launch of MAGA Anime Commic Exhibition
Illawarra Shoalhaven Partners in Recovery – Official Launch
- 17/10/14 Graffiti removal day
- 19-22/10/14 NSW Local Government Conference
- 24/10/14 St.Paul's Catholic Primary School - Celebrating Creative Arts Illawarra
Business Awards
- 25/10/14 Shellharbour 2014 Relay for Life - Inaugural Relay for Life Ball
- 26/10/14 Billy Cart Derby
Dogs Day Out
- 28/10/14 The House of Hope FoodBarn Breakfast "Bringing Hope to Our
Community" Corporate Breakfast
- 30/10/14 Local Government Roundtable with Minister for Planning Pru Goward
- 1-2/11/14 ALGWA Executive Meeting
- 6-7/11/14 SEATS Meeting Shoalhaven
- 7/11/14 Mayoral Prayer Breakfast
- 8/11/14 Stadium Open Day
- 11/11/14 Warilla RSL Sub Branch's Remembrance Day Service

9. Councillors' Reports

Councillor Stewart passed on her thanks to staff for the successful Dogs Day Out event. Councillor Stewart also passed on her thanks to staff for the visit to the potential sites for the new Warilla Library which she attended with Councillor Marsh. Councillor Stewart also outlined her attendance with Councillor Marsh to the Albion Park RSL Sub Branch Remembrance Day Service.

Councillor Rankin outlined his attendance on behalf of the Mayor at the Albion Park RSL Sub Branch Remembrance Day Service, the Red Cross Rose Planting 100 years celebration at Caroline Chisholm Park and the launch of the Baptist Church Microfinancing program. Councillor Rankin also attended the Oak Flats Billy Cart Derby.

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Councillor Marsh passed on her thanks to staff for their work with the homeless and on Council's homeless strategy. Councillor Marsh stated that she represented the Girl Guides Warilla with Councillor Stewart at a barbeque at Bunnings. Councillor Marsh also outlined her attendance at the Albion Park RSL Sub Branch Remembrance Day Service and paid her respects to the Ladies Auxiliary. Councillor Marsh also outlined her attendance at the Graffiti Removal Day and Dogs Day Out events.

Councillor Marsh attempted to raise a further item however the Mayor did not accept this and ended Councillors' Reports.

10. Mayoral Minutes

10.1 Constitutional Referendum - Election of Mayor (10290573)

370 RESOLVED: Mayor Saliba

That Council Officers prepare a report to Council on the cost and process involved in conducting a constitutional referendum for the election of Mayor by the electors of Shellharbour City.

CARRIED 4/3

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

10.2 Constitutional Referendum - Increase in Number of Councillors (10290588)

371 RESOLVED: Mayor Saliba

That Council Officers prepare a report to Council on the cost and process involved in conducting a constitutional referendum in order to increase the number of Councillors of Shellharbour City.

CARRIED 4/3

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

11. Reports

11.1 General Manager

11.1.1 First Quarter Review of the Operational Plan (10285526)

372 RESOLVED: Murray/Boyle

1. That the First Quarterly Review of the Operational Plan 2014/15 for the quarter ended 30 September 2014 be received and endorsed.
2. That Council adopt the September 2014 Quarter Budget Review with all recommended adjustments as contained in this report and attachments.

CARRIED UNANIMOUSLY

11.1.2 2013/14 Annual Report and Annual Financial Statements (10285523)

Graham Bradley and Clare Wagner of Crowe Howarth, Council's External Auditor, addressed the Council in relation to the 2013/2014 Annual Financial Statements.

373 RESOLVED: Murray/Boyle

1. That the 2013/14 Annual Report be received and adopted.
2. That the 2013/14 Annual Financial Statements be adopted.

CARRIED UNANIMOUSLY

11.1.3 Monthly Investment Report - September 2014 (10280973)

374 RESOLVED: Marsh/Murray

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

CARRIED UNANIMOUSLY

11.1.4 Model Code of Conduct Complaints Statistics Report 2013-2014 (10281962)

This item was considered following Addresses to Council (refer Resolution No. 366).

11.1.5 Christmas / New Year Closure of Council Operations (10279072)

375 RESOLVED: Marsh/Rankin

That this report be received and noted.

CARRIED UNANIMOUSLY

11.1.6 Council Meeting Webcasts (10280713)

376 RESOLVED: Rankin/Boyle

That this report be received and noted.

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

11.2.1 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 8 - Roads & Maritime Services Lands and Miscellaneous Lands - Albion Park, Albion Park Rail, Croom, Tongarra & Warilla (10285131)

377 RESOLVED: Marsh/Murray

That Council adopt the planning controls for Planning Proposal 8 as contained in Attachment 1: Table of Properties and Planning Controls, and Attachment 2: The Maps, to amend Shellharbour Local Environmental Plan 2013.

CARRIED UNANIMOUSLY

11.2.2 Proposed amendment to Planning Proposal No. 13 - Places of public worship and associated community facilities (10285156)

378 RESOLVED: Saliba/Murray

1. That Council amend Planning Proposal (No.13) to allow place of public worship as an additional permitted use in the Lake Illawarra/Warilla IN2 Light Industrial Zone precinct and to allow community facility as an additional permitted use in the Lake Illawarra/Warilla IN2 Light Industrial Zone precinct, but only in association with a place of public worship.
2. The Council authorise the General Manager to submit an amended Planning Proposal (Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No.13) 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. The Council delegate to the General Manager authority to make minor Local Environmental Plan instrument changes to Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No. 13 if and as required by

the NSW Department of Planning & Environment's LEP Review Panel and gateway determination.

4. That Council as part of its gateway submission apply to the Department of Planning and Environment to use its plan making related delegations including making or not making the plan under section 59 of the *Environmental Planning and Assessment Act*, after any public exhibition of the draft plan.
5. The Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No.13 be publically exhibited in accordance with the gateway determination.
6. If submission(s) result from public exhibition of Planning Proposal 13 or there are substantial post public exhibition changes proposed for other reason(s), a report be submitted to Council detailing public exhibition outcomes for final consideration and with further recommendations regarding adoption.

If there are no submissions received as a result of public exhibition of Planning Proposal 13, or no substantial post public exhibition changes proposed for other reason(s), Council delegate authority to the General Manager the authority to finalise Planning Proposal 13 and amend Local Environmental Plan 2013.

CARRIED 5/2

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

11.2.3 Skate Park in Oak Flats (10254389)

379 RESOLVED: Boyle/Moran

That Council undertake consultation with key stakeholders in 2015 to identify a preferred location and design for a Skate facility in the City East.

CARRIED UNANIMOUSLY

11.2.4 Renewal of Alcohol Free Zones & Prohibited Zones (Alcohol) (10285493)

380 RESOLVED: Marsh/Murray

That Council adopt to renew the 12 alcohol-free and prohibited zones for a further four years following an advertised declaration in the *Lake Times*.

CARRIED UNANIMOUSLY

11.2.5 National Stronger Regions Fund (10929334)

Councillor Murray MOVED a POINT of ORDER and asked that it be made clear as to what the Motion is Councillor Marsh is moving. At the Mayor's request, Councillor Marsh clarified her motion.

MOTION: Marsh/Stewart

That Council:

1. authorise officers to continue to work with WEA Illawarra to develop a Community College project in the Shellharbour LGA.
2. authorise the making of an application for financial assistance for a Community College in the Shellharbour LGA, under National Stronger Regions Fund.
3. authorise the General Manager to nominate parcels of land to be used for the project in the application described in point 2 above.
4. note that any acceptance of a successful application would be subject to the Council's agreement to the land identified in point 3 above.

Councillor Stewart asked when staff first became aware of this grant. The Director City Outcomes took the Question on Notice.

Councillor Saliba FORESHADOWED a MOTION that should the MOTION be lost, she would move the MOTION printed in the business paper.

Following comments made by the General Manager, Councillor Moran MOVED a POINT of ORDER that the General Manager should not be moving amendments to a recommendation. The Mayor did not attend to this POINT of ORDER and moved on to the next speaker.

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

1. That Council authorise officers to continue to work with WEA Illawarra to develop a Community College project in the Shellharbour LGA.
2. That there be an extraordinary meeting of Council as soon as possible after conclusion of those negotiations but before the 28th November to allow Council to consider parcel/s of land identified.

Councillor Moran MOVED a POINT of ORDER in relation to Councillor Murray's intention to move a FORESHADOWED MOTION. The Mayor accepted the POINT of ORDER and informed Councillor Murray that he would need to put forward the FORESHADOWED MOTION now.

Councillor Murray FORESHADOWED a further MOTION, that should the MOTION and two FORESHADOWED MOTIONS be lost, that he would move the following:

1. That Council authorise officers to continue to work with WEA Illawarra to develop a Community College project in the Shellharbour LGA.
2. That the application come back before Council for approval before it is submitted.

381 The MOTION on being PUT to the Meeting was LOST 0/7

FOR VOTE – Nil

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

Councillor Saliba withdrew her FORESHADOWED MOTION.

Councillor Moran's FORESHADOWED MOTION then became the MOTION, was seconded by Councillor Murray, and on being PUT to the MEETING was CARRIED UNANIMOUSLY

382 RESOLVED: Moran/Murray

1. That Council authorise officers to continue to work with WEA Illawarra to develop a Community College project in the Shellharbour LGA.
2. That there be an extraordinary meeting of Council as soon as possible after conclusion of those investigations but before the 28th November to allow Council to consider the parcel/s of land identified.

CARRIED UNANIMOUSLY

11.3 Corporate Policy Directorate

11.3.1 2014/15 Roads to Recovery Program (10283388)

This item was considered following Addresses to Council (refer Resolution No. 367).

11.3.2 Extension of Contract 2011/49 - Operation of Resource Recovery Centre at Dunmore Recycling & Waste Disposal Depot (10282539)

383 RESOLVED: Marsh/Murray

That Council extend the current contract for a period of twelve months commencing on 1 July 2015 and ceasing on 30 June 2016.

CARRIED UNANIMOUSLY

11.3.3 Lone Pine relocation, Freedom Wall rebuild and Peace Grove re-creation (10288481)

This item was considered following Addresses to Council (refer Resolution No. 368).

11.4 Shellharbour Enterprises Directorate

Nil

12. Committee Recommendations

12.1 Recommendations from the Aboriginal Advisory Committee Meeting held 30 September 2014 recommended for adoption.

384 RESOLVED: Saliba/Stewart

That the Recommendations from the Aboriginal Advisory Committee Meeting held 30 September 2014 be adopted.

CARRIED UNANIMOUSLY

12.2 Recommendations from the Disability Access Committee Extraordinary Meeting held 29 October 2014 recommended for adoption.

385 RESOLVED: Saliba/Stewart

That the Recommendations from the Disability Access Committee Extraordinary Meeting held 29 October 2014 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

Nil

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

15.1 Notice of Motion submitted by Cr Kellie Marsh: Automated External Defibrillator (AED) (10266313)

386 RESOLVED: Marsh/Moran

That Council staff prepare a report on a proposal to allocate funds next financial year for the purchase of five AEDs for:

Lamerton House
HACC Centre
Works Depot
Myimbarr
Croom Stadium

CARRIED UNANIMOUSLY

15.2 Notice of Motion submitted by Cr Peter Moran: Child Care During Council Meetings (10278578)

MOTION: Moran/Marsh

1. Council notes that at the meeting of 13 November 2012 Council officers recommended that Council provide child care services for councillors and community members attending Ordinary and Extraordinary Council meetings.
2. Council notes that providing child care during council meetings would support the following sections of the Community Strategic Plan:
 - 1.1.2.06 'Plan and provide facilities that enable a range of community and cultural activities that meet the needs of the community.'
 - 4.2.1 'Provide opportunities for genuine and representative community engagement in making decisions.'
3. Council notes that the option supported by Council staff on 13 November 2012 (option 2) would provide a secure, and relatively low cost, option for the provision of this service
4. Council resolves that Council officers shall put in place a scheme whereby councillors and members of the public wishing to attend Ordinary and Extraordinary meetings of the Council shall have access, at the expense of Council, to child care services provided by an appropriate and suitably accredited provider.
5. That the budget be amended accordingly.

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6. That such a scheme shall be in place for one year on a trial basis with Council officers providing a report to Council on the effectiveness and cost of the scheme prior to the end of the trial period.

Councillor Moran FORESHADOWED a MOTION, that should the MOTION be lost, he would move a deferral.

Councillor Murray FORESHADOWED a further MOTION, that should the MOTION and FORESHADOWED MOTION be lost, he would move a motion that this item be deferred for a report which addresses the implications and proposed arrangements for child care at Council Meetings.

387 The MOTION on being PUT to the Meeting was LOST 2/5

FOR VOTE - Cr Moran, Cr Marsh

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

Councillor Moran withdrew his FORESHADOWED MOTION.

Councillor Murray's FORESHADOWED MOTION then became the MOTION and was seconded by Councillor Rankin.

Councillor Stewart left the Chamber at 9.52pm

Councillor Moran provided a personal explanation in relation to comments made by the Mayor.

The MOTION on being PUT to the Meeting was CARRIED UNANIMOUSLY

388 RESOLVED: Murray/Rankin

That the matter of child care during Council Meetings be deferred for a report which addresses the implications and proposed arrangements for child care at Council Meetings.

CARRIED UNANIMOUSLY

ABSENT. DID NOT VOTE – Cr Stewart

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15.3 Notice of Motion submitted by Cr Kellie Marsh: City Hub (10281857)

MOTION: Marsh/Moran

1. That council ceases all work, and expenditure associated with the City Hub project.
2. Council stops all sale of ratepayers assets that have been allocated for the City Hub project.
3. That council by way of Council Poll at the next local government elections asks the people of Shellharbour to decide on the City Hub project by way of the following question:

Do you want council to build the City Hub?
Yes or No

Councillor Stewart returned to the Chamber at 9.56pm

389 RESOLVED: Marsh/Murray

That the duration of the Council Meeting be extended by 30 minutes to conclude Council business.

CARRIED UNANIMOUSLY

390 RESOLVED: Marsh/Boyle

That Councillor Stewart be granted an extension of time of one minute to conclude her address.

CARRIED UNANIMOUSLY

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

391 The MOTION on being PUT to the Meeting was LOST 2/5

FOR VOTE - Cr Marsh, Cr Moran

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

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

16.1 Questions on Notice submitted by Cr Peter Moran: New Warilla Library (10280188)

16.2 Question on Notice submitted by Cr Peter Moran: Tender Weighting for Apprentices (10293047)

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 10.28 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 2 December 2015

General Manager

Chairperson