

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 15 December 2015 commencing at 6.33 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	C McIntyre
Acting Director City Outcomes	G Hoynes
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 Services	R Crowhurst
Acting Group Manager Corporate Strategy	T James
Acting Group Manager City Strategy	I Rankine
Manager Property & Recreation	D Flanagan
Manager Financial Services	P Henderson
Manager Corporate Procurement & Supply	J Roberts
Team Leader Planning	A Randall
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 1 December 2015

360 RESOLVED: Marsh/Boyle

That the Minutes of the Ordinary Council Meeting held on 1 December 2015 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

5. Declarations of Interest

Councillor Marsh:

Item 10.2.7 Establishment of a Shellharbour City Youth Council

Nature of Interest:

Councillor Marsh declared a non-pecuniary interest for this item as her son participated in the Youth Council Working Group. Councillor Marsh will remain in the room and debate and vote on the matter.

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6. Condolences

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

Mr John Wales Bruce	formerly of	Albion Park
Mrs Dora Amy Cullen	of	Albion Park
Mrs Pauline Jobling	formerly of	Albion Park
Mr Peter Maher	of	Albion Park
Mr Victor Papagallo	of	Albion Park
Mrs Florence Pickersgill	formerly of	Albion Park
Mr Tony Poort	of	Albion Park
Mr Gregory Alan Smith	of	Albion Park
Mr John Robert Thomson	formerly of	Albion Park
Mrs Spasa Gorgijoska	of	Barrack Heights
Mrs Jeanette Alice Webster	of	Barrack Heights
Mrs Edna Stevenson	of	Blackbutt
Ms Rita Munro	of	Oak Flats
Mr Manuel Castet	of	Warilla
Mr Cecil John Ingram	of	Warilla
Mrs Jean Marjorie Lord	formerly of	Warilla

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

7. Mayor's Statements / Reports / Presentations

The Mayor wished everyone a Merry Christmas.

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

2/12/2015 60th Wedding Anniversary Visit: Mr & Mrs Layton of Lake Illawarra

2-4/12/15 2015 South East Councils Leadership Forum - Merimbula

4/12/15 Carols by Candlelight

5/12/15 ALGWA Meeting (Gosford)

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- 7/12/15 Westpool Meeting
- 8/12/15 Launch of Illawarra Regional Plan
90th Birthday Visit: Mrs Violet Brand of Warilla
- 9/12/15 Mt Warrigal Public School - Community Service Awards
- 10/12/15 St Joseph's Catholic High School - Community Service Awards
Dell Brand book launch
- 11/12/15 Corpus Christi Catholic High School - Community Service Award
Nazareth Catholic Primary School – Community Service Award
Dropped into the SE Zone Libraries Conference
- 12/12/15 Pool Open Day
- 14/12/15 Barrack Heights Public School Annual Presentation Day
- 15/12/15 Tourism Shellharbour Board Meeting
Albion Park Rail Public School Year 6 Graduation Ceremony

8. Mayoral Minutes

8.1 Mayoral Minute: Expression of Interest to host the 2018 ALGWA NSW State Conference (10637514)

362 RESOLVED: Mayor Saliba

That Council submit an expression of interest to host the 2018 ALGWA NSW State Conference.

CARRIED UNANIMOUSLY

9. Councillors' Reports

Councillor Stewart outlined her attendance at a meeting with the The Hon Mark Pearson of the Animal Justice Party and the CEO of the RSPCA and noted the positive feedback received by them in relation to Council's Rangers and passed on her thanks to these staff.

Councillor Rankin thanked Emma Bennett of Wave FM for hosting the Carols by Candlelight event and wished her well on her retirement.

10. Reports

Note: The Addresses to Council Forum was held prior to the Council Meeting from 4.30pm to 5.30pm.

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Agenda Item No & Title	Page Ref	Name
10.2.2 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 19 – Proposal to rezone part of the land currently occupied by Albion Park Bowling Club 32-52 Taylor Road, Albion Park to enable residential development	15	Stan Miholic
10.2.4 DA 81/2015 – 10 Dwellings & Torrens Title Subdivision (Multi Dwelling Housing) at corner 9 National Avenue & 9-17 Glades Parkway, Shell Cove	43	Megan Casey Wayne Thomas (not present)
10.2.7 Establishment of a Shellharbour City Youth Council	129	Sonya McKay
10.4.1 Noise and traffic impacts of Wings over Illawarra	166	Cia Barton Sonya McKay

363 RESOLVED: Murray/Marsh

That Standing Orders be suspended in order for Items 10.2.2, 10.2.4, 10.2.7 and 10.4.1, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

10.2 City Outcomes Directorate

10.2.2 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 19 - Proposal to Rezone Part of the Land Currently Occupied by Albion Park Bowling Club 32-52 Taylor Road, Albion Park to enable Residential Development (10633985)

364 RESOLVED: Murray/Marsh

1. Council prepare a Planning Proposal to amend *Shellharbour Local Environmental Plan* in the following manner:

- a. Amend Shellharbour LEP 2013 Land Zoning Map in accordance with Attachment 3
 - b. Amend Shellharbour LEP 2013 Minimum Lot Size Map in accordance with Attachment 4
 - c. Amend Shellharbour LEP 2013 Floor Space Ratio Map in accordance with Attachment 5
2. Council authorise the General Manager to submit *Shellharbour Local Environmental Planning Proposal No. 19* to NSW Planning & Infrastructure in accordance with section 56 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.
 3. Council delegate to the General Manager authority to make minor mapping and Local Environmental Plan instrument changes to *Shellharbour Local Environmental Plan 2013 Planning Proposal No. 19* if and as required by the Department of Planning & Environment's LEP Review Panel and gateway determination.
 4. *Shellharbour Local Environmental Plan 2013 Planning Proposal No. 19* be publically exhibited in accordance with the gateway determination.
 5. A report be submitted to the Council on the public exhibition of the planning proposal detailing the outcomes of the community and government agency engagement.
 6. The planning proposal be reported back to the Council for final consideration and with further recommendations regarding adoption.

CARRIED UNANIMOUSLY

10.2.4 DA 81/2015 - 10 Dwellings & Torrens Title Subdivision (Multi Dwelling Housing) at Corner 9 National Avenue & 9-17 Glades Parkway, Shell Cove (10633151)

MOTION: Murray/Boyle

That Council approve Development Application No. 81/2015 for multi-dwelling housing and subdivision at Lot 6735, DP 1174570, 9 National Avenue, Lot 6782 & 6783, DP 1194372, 9-17 Glades Parkway, Shell Cove, subject to the recommended development consent conditions (Attachment 1).

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

Councillor Marsh MOVED a POINT of ORDER in relation to the Mayor's comments during a question put to the General Manager. The Mayor clarified her comments and continued her question to the General Manager.

365 RESOLVED: Marsh/Moran

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

CARRIED UNANIMOUSLY

366 The MOTION on being PUT to the Meeting was CARRIED 4 / 3

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

AGAINST VOTE - Cr Moran, Cr Stewart, Cr Marsh

10.2.7 Establishment of a Shellharbour City Youth Council (10633152)

MOTION: Murray/Rankin

That Council:

1. Establish a Shellharbour Youth Council.
2. Adopt a hybrid version of models two and three for the operation of the Shellharbour Youth Council. The specifics being:

Name: Shellharbour Youth Council

Age: 12 years – 25 years

Membership: Limited to 13 members – consisting of 1 representative from each High School (8), 1 representative from Southern Youth Family Services (SYFSS), 1 representative from Shellharbour Aboriginal Community Youth Association (SACYA) and 3 from the community.

All members must live in the Shellharbour City Council area.

Voting to be by show of hands.

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There will be no leadership group and roles will be rotated at each meeting.

Meetings: Once per month – February to November
Bi-annual meeting with all Councillors

3. Allocate \$7,500 in the 2016/2017 budget towards the operations and activities of the Youth Council.

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

That Council:

1. Establish a Shellharbour City Youth Council.
2. Adopt Model Two as contained in this report for the establishment and operation of the Youth Council.
3. Allocate \$7,500 in the 2016/2017 budget towards the operations and activities of the Youth Council.

367 The MOTION on being PUT to the Meeting was CARRIED 6 / 1

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

AGAINST VOTE - Cr Moran

10.4 Shellharbour Enterprises Directorate

10.4.1 Noise and traffic impacts of Wings over Illawarra (10617473)

368 RESOLVED: Murray/Marsh

That Council receive and note this report.

CARRIED UNANIMOUSLY

Business Arising

MOTION: Moran/Stewart

That this Council asks Council Officers to arrange the noise and traffic monitoring as identified in report 10.4.1 of 15 December 2015 and have such monitoring put in place before the next Wings over Illawarra event.

- 369 The MOTION on being PUT to the Meeting was LOST 2 / 5
FOR VOTE - Cr Moran, Cr Stewart
AGAINST VOTE - Cr Boyle, Cr Saliba, Cr Murray, Cr Rankin, Cr Marsh

- 370 RESOLVED: Murray/Rankin

That Standing Orders be resumed and the meeting be adjourned for five minutes.

CARRIED UNANIMOUSLY

Meeting adjourned at 8.18 pm

Meeting resumed at 8.28 pm

10.1 General Manager

Nil

10.2 City Outcomes Directorate

10.2.1 Warilla Town Centres Plan for Endorsement (10636975)

- 371 RESOLVED: Marsh/Murray

That Council endorse the Warilla Town Centres Plan as a basis for the review of relevant Council policy including Shellharbour Local Environmental Plan 2013, Shellharbour Development Control Plan, Shellharbour City Council Section 94 Contributions Plan 2013 and future capital works programs.

CARRIED UNANIMOUSLY

10.2.2 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 19 - Proposal to Rezone Part of the Land Currently Occupied by Albion Park Bowling Club 32-52 Taylor Road, Albion Park to enable Residential Development (10633985)

This item was dealt with earlier in the agenda as it was the subject of Addresses to Council prior to the meeting (See Resolution No. 364)

10.2.3 Planning Proposal No. 0502/2015 - Lot 16, DP 1206346, 71 Yellow Rock Road, Tullimbar (10634056)

372 RESOLVED: Murray/Boyle

1. Council prepare a Planning Proposal No. 0502/2015 for Lot 62, DP 1206346, 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 - 7.
2. Council authorise the General Manager to submit Shellharbour Local Environmental Planning Proposal No 0502/2015 to NSW Planning & Infrastructure in accordance with section 56 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.
3. Council delegate to the General Manager authority to make minor mapping and Local Environmental Plan instrument changes to Shellharbour Local Environmental Plan 2013 Planning Proposal No. 0502/2015 if and as required by the Department of Planning & Environment's LEP Review Panel and gateway determination.
4. Shellharbour Local Environmental Plan 2013 Planning Proposal No 0502/2015 be publically exhibited in accordance with the gateway determination.
5. A report be submitted to the Council on the public exhibition of the planning proposal detailing the outcomes of the community and government agency engagement.
6. The planning proposal be reported back to the Council for final consideration and with further recommendations regarding adoption.

CARRIED 5 / 2

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

AGAINST VOTE - Cr Moran, Cr Marsh

10.2.4 DA 81/2015 - 10 Dwellings & Torrens Title Subdivision (Multi Dwelling Housing) at Corner 9 National Avenue & 9-17 Glades Parkway, Shell Cove (10633151)

This item was dealt with earlier in the agenda as it was the subject of Addresses to Council prior to the meeting (See Resolution No. 366)

10.2.5 2012 Building Design Guidelines (10632986)

373 RESOLVED: Murray/Rankin

1. The Council adopt the Building Design Guidelines as found with Attachment 2 of this report.
2. The Council provide the Group Manager, City Development delegations to adopt, modify or vary the guidelines for future stages to be developed within the land identified within the Tullimbar Village Development Control Plan.

CARRIED UNANIMOUSLY

10.2.6 Provision of Child Care at Council Meetings (10632443)

374 RESOLVED: Murray/Marsh

That Council receive and note this report.

CARRIED UNANIMOUSLY

10.2.7 Establishment of a Shellharbour City Youth Council (10633152)

This item was dealt with earlier in the agenda as it was the subject of Addresses to Council prior to the meeting (See Resolution No. 367)

10.3 Corporate Policy Directorate

10.3.1 Increasing Australian Content in Council's Procurement (10632281)

375 RESOLVED: Murray/Rankin

1. That Council cannot stipulate 50% Australian content in contracts as it is potentially discriminatory and anti-competitive.
2. That Council continue to support Australian industries where possible and can as part of the current policy review investigate amending the procurement policy to state that the purchase of any goods and services must adhere to any relevant Australian standards.

CARRIED UNANIMOUSLY

10.3.2 Acceptance of Grant Funding from Department of Primary Industries - Contribution towards new lifeguard tower at Warilla beach (10631517)

376 RESOLVED: Saliba/Murray

1. That Council note the acceptance of the NSW Department of Primary Industries grant of \$3,500 toward the new lifeguard tower at Warilla Beach, which has already been executed.
2. That the savings made to the budget by using the grant for Warilla lifeguard tower be held over until the next budget for the provision of a portable tower for North Warilla Patrol.

CARRIED UNANIMOUSLY

10.3.3 New Shellharbour City Cemetery Options and Services (10631787)

377 RESOLVED: Murray/Marsh

That Council receive and note this report.

CARRIED UNANIMOUSLY

10.3.4 Possible locations for a Pet Memorial (10631946)

MOTION: Murray/Rankin

That Council receive and note this report.

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

1. That Council endorse a detailed design and costing be undertaken for a Pet Memorial Wall situated at McDonald Park, Albion Park.
2. A further report be presented to Council with the final design and costing based at this location.

378 The MOTION on being PUT to the Meeting was CARRIED 4 / 3

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

10.3.5 Encouraging Environmentally Sustainable Practices through Rates Policy (10632830)

379 RESOLVED: Moran/Murray

That Council continue to encourage and promote environmentally sustainable practices within the community through existing environmental and waste programs.

CARRIED UNANIMOUSLY

10.4 Shellharbour Enterprises Directorate

10.4.1 Noise and traffic impacts of Wings over Illawarra (10617473)

This item was dealt with earlier in the agenda as it was the subject of Addresses to Council prior to the meeting (See Resolution No. 368)

11. Committee Recommendations

11.1 Recommendations from the Australia Day Committee Meeting held 11 November 2015 recommended for adoption.

380 RESOLVED: Saliba/Marsh

That the Recommendations from the Australia Day Committee Meeting held of 11 November 2015 be adopted.

CARRIED UNANIMOUSLY

11.2 Recommendations from the Extraordinary Aboriginal Advisory Committee Meeting held 24 November 2015 recommended for adoption.

381 RESOLVED: Marsh/Murray

That the Recommendations from the Aboriginal Advisory Committee Meeting held of 24 November 2015 be adopted.

CARRIED UNANIMOUSLY

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11.3 Recommendations from the Disabilities Access Committee Meeting held 28 November 2015 recommended for adoption.

382 RESOLVED: Saliba/Rankin

That the Recommendations from the Disability Access Committee Meeting held of 28 November 2015 be adopted.

CARRIED UNANIMOUSLY

11.4 Recommendations from the Traffic Committee Meeting held 2 December 2015 recommended for adoption.

383 RESOLVED: Stewart/Marsh

That the Recommendations from the Traffic Committee Meeting held of 2 December 2015 be adopted.

CARRIED UNANIMOUSLY

12. Items for Information

12.1 Response to Question on Notice Submitted by Cr Peter Moran: Poker Machines at The Links (10628086)

12.2 Response to Questions on Notice submitted by Cr Kellie Marsh and Cr Paul Rankin: Bevan's Island (10631788)

12.3 Response to Question on Notice submitted by Cr Peter Moran: Home and Community Care Centre (HACC), Albion Park (10631428)

12.4 Response to Question on Notice submitted by Cr Peter Moran: Loan and Grant Funding from the Public Reserves Management Fund (10631850)

The Items for Information were formally noted.

13. Notices of Rescission/Alteration Motions

Nil

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14. Notices of Motion

14.1 Notice of Motion submitted by Cr Helen Stewart: Memorial Plaque (10635930)

MOTION: Stewart/Marsh

That Council staff prepare a report in consultation with the Warilla RSL Sub Branch to include a plaque on the Freedom Wall that commemorates all animals that have served in war. Further that a wreath be laid at the Freedom Wall on Anzac Day in remembrance of all animals who perished during wartime.

The Mayor proposed an amendment to the MOTION that the second sentence be deleted which was accepted by the Mover and Seconder.

384 RESOLVED: Stewart/Marsh

That Council staff prepare a report in consultation with the Warilla RSL Sub Branch to include a plaque on the Freedom Wall that commemorates all animals that have served in war.

CARRIED UNANIMOUSLY

14.2 Notice of Motion submitted by Cr Peter Moran: Skate Parks (10635722)

385 RESOLVED: Moran/Marsh

Given that the Shellharbour skate park is the only such facility in the local government area east of Albion Park Rail, that Council staff prepare a report on how a skate park can be provided in the Oak Flats, Shellharbour City Centre or Mount Warrigal areas. Such a report will include funding options and possible timelines for such a facility.

CARRIED UNANIMOUSLY

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

15.1 Question on Notice submitted by Cr Peter Moran: Shellharbour North Beach (10635723)

16. Urgent Business

Nil

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17. Committee of the Whole in Closed Session: Adjournment

Nil

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

Nil

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

Nil

Meeting closed 9.51pm