

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting – 13 November 2018

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 13 November 2018 commencing at 6.32 pm**

Present

Mayor, Councillor	M Saliba
Deputy Mayor, Councillor	J Murray
Councillor	N Cattell
Councillor	M Hamilton
Councillor	K Marsh
Councillor	P Moran
Councillor	R Petreski

In attendance

General Manager	C McIntyre
A/Director Council Sustainability / Chief Financial Officer	G Grantham
Director Community and Customers	M Boxall
Director Amenity and Assets	B Stewart
Executive Manager / Public Officer	F Lepouras
Group Manager City Development	G Meredith
Group Manager City Planning	G Hoynes
A/Group Manager Community Connections	M Kirkness
Group Manager Organisational Performance	E Woods
Group Manager Asset Strategy	W Peterson
Group Manager Services	R Crowhurst
Manager Property Services	D Flanagan
Aquatic & Recreation Coordinator	G Suckley
Manager Community Engagement & Activation	J Dawson
Media Officer	K Wells
Senior Executive Assistant	L Davey
Councillor Support Officer (Minute Taker)	J Frasca
NSW Audit Office Representative	D Ryan

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. Apologies

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Nil

Committee of the Whole Council Meeting

Nil

3. Leave of Absence

Nil

4. Confirmation of Minutes

4.1 Ordinary Meeting 30 October 2018

247 RESOLVED: Murray/Petreski

That the Minutes of the Ordinary Council Meeting held on 30 October 2018 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

4.2 Committee of the Whole 30 October 2018

248 RESOLVED: Hamilton/Murray

That the Minutes of the Committee of the Whole (Confidential) Council Meeting held on 30 October 2018 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

5. Declarations of Interest

Councillor Nathan Cattell: 11.3.1 Requests for Financial Assistance - Second Quarter Allocation 2018/19

Nature of Interest: Councillor Cattell declared a non-pecuniary interest as the Kouri Mens' group have been granted funds to make a sculpture for the reserve he works for.

Councillor Kellie Marsh: 11.3.2 Sponsorship Applications - Second Allocation 2018/19

Nature of Interest: Councillor Marsh declared a non-pecuniary interest as she is a delegate on the Shellharbour Sports Assistance Committee.

Councillor Robert Petreski: 11.3.2 Sponsorship Applications - Second Allocation 2018/19

Nature of Interest: Councillor Petreski declared a non-pecuniary interest as he is a delegate on the Shellharbour Sports Assistance Committee.

Councillor Moira Hamilton: 11.3.2 Sponsorship Applications - Second Allocation 2018/19

Nature of Interest: Councillor Hamilton declared a non-pecuniary interest as she is a delegate on the Shellharbour Sports Assistance Committee.

6. Confidential Business (Committee of the Whole in Closed Session)

6.1 Tender 2018/42 Construction Contract for the New Warilla Library (11128654)

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

It is not in the public interest to disclose this information as it may impact the ability of Council to negotiate on this contract if Council does not accept the offer. It would also impact the tenderers commercial position.

Declassification of this Report

This report will be declassified at the end of the construction contract in accordance with GIPA. The resolution will be made public following the acceptance of this report's recommendation.

7. Condolences

The Mayor acknowledged the passing of Mrs Margaret Caskey and extended her condolences to her family.

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

Mrs Margaret Caskey	of	Albion Park Rail
Mrs Patricia Unwin	of	Albion Park Rail
Mrs Barbara Baird	of	Albion Park Rail
Mrs Rita Bianco	of	Barrack Heights
Mr Francis Elliott	of	Lake Illawarra
Ms Suzanne Elizabeth Suckling	of	Mount Warrigal
Mr Ron Colton	of	Shellharbour
Mr William Lewis	of	Warilla
Mr Robert Samuel Layton	of	Warilla

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

8. Mayoral Statements / Reports / Presentations

The Mayor attended the following events since the last Council meeting:

31/10/18	Australian Citizenship Ceremony
1/11/18	Local Government NSW Working Committee Meeting
2/11/18	Country Mayor's Association Meeting
5/11/18	Centenary of Armistice Day morning tea
5/11/18	Mt.Warrigal Public School Beverley Whitfield Awards
7/11/18	CivicRisk Mutual Executive Committee Meeting

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- 12/11/18 Fly Corporate first flight to Melbourne and return flight to Albion Park
- 12/11/18 Meet and greet with Superintendent Dean Smith at Lake Illawarra Command
- 12/11/18 Lake Illawarra High School Remembrance Day Service
- 13/11/18 Healthy Cities Illawarra and Healthy People Illawarra meeting & AGM

The Mayor acknowledged representative Dominika Ryan from the NSW Auditors Office and stated that she would be available to answer questions during Item 11.1.1 2017 - 2018 Annual Report.

The Mayor thanked Councillor Murray who attended the SEATS meeting in Wollongong, Lake Illawarra Police District Awards, Port Kembla Steelworks 90th Birthday celebrations and Albion Park RSL Sub Branch Remembrance Day Service on her behalf. She also thanked other Councillors who represented her at various events since the last Council meeting.

The Mayor acknowledged a letter of congratulations from Anna Watson MP on the recently adopted Drought Relief Initiative. She advised that Ms Watson presented a Community Recognition Statement in the NSW Legislative Assembly on 24 October to highlight and recognise this initiative. The Mayor stated that in acknowledging the letter she would like to make note that this initiative came from a farmer by the name of Chris Parker who recognised the need to support farmers and the opportunity council had with land that had long grass on it, particularly at Dunmore. She also acknowledged Geoff Arthur and Scott Rowe of Council's Parks Team in pursuing this initiative.

9. Mayoral Minutes

Nil

10. Councillors' Statements / Reports

Councillor Petreski outlined his attendance on behalf of the Mayor at Mrs Helen McKay's celebration of her 50 years as a swimming coach.

11. Reports

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

Agenda Item No & Title	Page Ref	Name
<i>Amenity and Assets Directorate</i>		
11.4.1 Summer Holiday Period Free Pool Access	66	Joan Vinton Danna Nelse

250 RESOLVED: Petreski/Murray

That Standing Orders be suspended in order for Item 11.4.1 the subject of Addresses to Council, to be considered here in the agenda

CARRIED UNANIMOUSLY

11.4.1 Summer Holiday Period Free Pool Pass (11127113)

251 RESOLVED: Murray/Petreski

1. That Council provide a Promotional Pilot Project for the 2018/2019 summer swimming season.

This Program will provide for:

- a. Removal of fees for a Child Pass for the period including 22 December 2018 to 4 January 2019 for cold water pool entry as a promotional activity.
- b. Eligibility Criteria
 - School age children under 16 years shall be supervised by a responsible adult at all times (no fee will be charged to observers unless swimming).
 - School age children 16 years to 18 years old must show their secondary school identification card for entry.
- c. Eligibility Conditions

- Normal pool code of behaviour applies, inappropriate behaviour will be addressed through that process. Front counter interactions are still required and this process provides a point to reinforce conditions of entry to children and their supervising adults.

2. Data from this Pilot Program be gathered and analysed by March 2019.
3. This data to be considered by the Aquatics Facilities Working Party as part of their wider considerations on the best ways to manage our facilities and to provide access to any disadvantaged sections of the community.

CARRIED UNANIMOUSLY

252 RESOLVED: Murray/Petreski

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

11.1 General Manager

11.1.1 2017 - 2018 Annual Report (11124445)

253 RESOLVED: Murray/Marsh

That Council endorse the 2017-18 Annual Report excluding the Audited Financial Statements for the year ended 30 June 2018.

CARRIED UNANIMOUSLY

11.2 Council Sustainability Directorate

11.2.1 Lot 4000 DP 809913 - Lamerton House Lease (11126055)

254 RESOLVED: Murray/Hamilton

That Council approve to surrender the Lease between The Trust Company Limited and Council for Lot 4000 DP 809913 known as Lamerton House as of 30 November 2018.

CARRIED: 6/1

FOR VOTE - Cr Cattell, Cr Hamilton, Cr Marsh, Cr Murray, Cr Petreski, Cr Saliba

AGAINST VOTE - Cr Moran

11.2.2 Monthly Investment Report - September 2018 (11126261)

255 RESOLVED: Petreski/Cattell

That Council receive and note the attached Investment Portfolio report as at 30 September 2018.

CARRIED UNANIMOUSLY

11.3 Community and Customers Directorate

11.3.1 Requests for Financial Assistance - Second Quarter Allocation 2018/19 (11126129)

Councillor Cattell declared a non-pecuniary interest for Item 11.3.1 and remained in the Chamber.

256 RESOLVED: Marsh/Murray

1. That Council provide financial assistance from the miscellaneous donations budget totalling \$7,527 to the following:

Warilla Lake South MRLFC	\$1,500
Warilla Barrack Point Surf Life Saving Club	\$927
St Vincent de Paul Albion Park Conference	\$1,000
2528 at Crew Park	\$500
Koori Men's Support Group	\$1,000
The DENNY Foundation	\$500
The Shepherd Centre	\$1,200
Community Service Awards for local schools	\$900

2. That the following groups each receive an equal 10% share each of the remaining 20% of proceeds from Australia Day Breakfast by the Lake 2019, Cash for City Charities programme up to the full amounts requested should proceeds allow:

- St Vincent de Paul Society Albion Park
- Specialist Accommodation and Homelessness Services Shoalhaven and Illawarra (SAHSSI)

CARRIED UNANIMOUSLY

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11.3.2 Sponsorship Applications - Second Allocation 2018/19 (11127117)

Councillor Marsh, Councillor Hamilton and Councillor Petreski declared a non-pecuniary interest in Item 11.3.2 and remained in the Chamber

257 RESOLVED: Marsh/Murray

1. That Council provide sponsorship to the following groups from the sponsorship budget totalling \$21,276:

Applicant	Event	Allocation
Stephen Wicks	Illawarra Veterans Golf Week	\$500 in kind support (provision of gift vouchers to The Links shop to be used as prizes for the event)
Maree Lackenby	Shellharbour Sports Assistance Fund	In kind support (allocation for staffing for the event coordination of the annual sports star of the year dinner) only to a maximum value of \$5000 in accordance with the sponsorship policy.
Jan Sinclair	Wings over Illawarra	\$5000 cash sponsorship plus up to a maximum of \$3000 in kind (for the transport and use of Council owned tiered seating system x 6 items)
Michelle Meares	Carols by the Harbour	\$2000 cash sponsorship
Mark Rigby	i98fm Illawarra Convoy	\$5,000 cash sponsorship plus approximately \$776 in-kind (for the mowing of Parsons land by Council officers)

2. That these events be added to Council's online Calendar of Events as "sponsored events".

CARRIED UNANIMOUSLY

11.3.3 NSW State Government Proposed Planning Controls - Short-term Rental Accommodation (11127112)

258 RESOLVED: Murray/Marsh

That Council endorse and submit the submission to the NSW Department of Planning & Environment on the proposed short-term rental accommodation planning controls as contained in Attachment 1 of this report by 16 November 2018.

CARRIED UNANIMOUSLY

11.4 Amenity and Assets Directorate

11.4.1 Summer Holiday Period Free Pool Pass (11127113)

This item was dealt with earlier in the agenda as it was the subject of Addresses to Council prior to the meeting (Refer to Resolution No. 251)

11.4.2 Tender 2018/42 Construction Contract for the New Warilla Library (11127383)

259 RESOLVED: Murray/Cattell

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act in relation to the new Warilla Library Tender.

CARRIED UNANIMOUSLY

12. Committee Recommendations

Nil

13. Items for Information

Nil

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

15.1 Notice of Motion submitted by Cr Peter Moran: Solar Panels (11130181)

260 RESOLVED: Moran/Cattell

That Council, when either constructing new buildings or replacing existing buildings, design such buildings so that the design and orientation of the roof allows for solar panels to be fitted to the roof if Council so desires.

CARRIED UNANIMOUSLY

15.2 Notice of Motion submitted by Cr Kellie Marsh: Code of Meeting Practice (11130182)

MOTION: Marsh/Moran

That Council amend its Code of Meeting practice to allow members of the public to speak at Public Participation on any Notice of Motion on the agenda of a Council Meeting.

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

FOR VOTE - Cr Marsh, Cr Moran

AGAINST VOTE - Cr Cattell, Cr Hamilton, Cr Murray, Cr Petreski, Cr Saliba

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

Nil

17. Urgent Business

Nil

18. Committee of the Whole in Closed Session (Closed to the Public): Adjournment

The Mayor asked whether anyone in the public gallery wish to speak on the reasons why Item 6.1 Tender 2018/42 Construction Contract for the New Warilla Library, should not be held in Confidential Session (Closed to the Public). No members of the public expressed an interest in addressing Council.

262 RESOLVED: Murray/Petreski

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(2)(d) 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)(d) 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*.

Meeting adjourned at 8.01pm

Meeting resumed at 8.43pm

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

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

6.1 Tender 2018/42 Construction Contract for the New Warilla Library

COMMITTEE RECOMMENDATION:

1. That Council approve borrowings of up to \$3,374,000 (excl. GST) to fund the new library construction.
2. That financial institutions be requested to provide loan borrowing quotations and that the authority be granted to the General Manager to accept the most advantageous interest rate once received.
3. That the Mayor and General Manager, or their nominated delegate, be authorised to execute any loan documents under common seal of Council.
4. The actual loan amount be reduced by Delivery Program savings (including Civic Centre) as part of the 2018/19 Quarterly budget review process.
5. In accordance with Section 178 of the Local Government (General) Regulation (2005), Council accept the tender and enter into a contract (Contract 2018/42) with Patterson Building Group Pty Ltd for the tender sum of \$5,615,805 (incl. GST) in accordance with Tender Document 2018/42.
6. Authorise the General Manager or his delegate to sign the Letter of Award and execute the contract and associated documents on behalf of Shellharbour City Council.
7. This report will be declassified at the end of the construction contract in accordance with GIPA.

263 RESOLVED: Murray/Hamilton

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

CARRIED: 5/2

FOR VOTE - Cr Cattell, Cr Hamilton, Cr Murray, Cr Petreski, Cr Saliba

AGAINST VOTE - Cr Marsh, Cr Moran

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

Nil

Meeting closed 8.46 pm