

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 01 December 2015 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	C McIntyre
Acting Director City Outcomes	G Hoynes
Director Corporate Policy	L Furness
Director Shellharbour Enterprises	M Youell
Acting Executive Manager	L Davey
Group Manager Infrastructure Services	M Boenisch
Manager Property & Recreation	D Flanagan
Shell Cove Commercial Manager	K James
Parks Manager	S Rowe
Council Liaison Officer	J Frasca
Service Desk Analyst	D Gollop

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 17 November 2015

349 RESOLVED: Marsh/Murray

That the Minutes of the Ordinary Council Meeting held on 17 November 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 Paul Rankin

Item 10.3.2 Licence Agreement Optus Mobile Pty Ltd Lot 8032 DP 11072187 and Road Reserve Shellharbour (10624514)

Nature of Interest:

Councillor Rankin declared a non-pecuniary interest in relation to this item as he is employed by Optus Retail.

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6. Condolences

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

Mr Don Lowe	of	Albion Park
Mr Thomas Gibson	of	Albion Park Rail
Mrs Christa Lachermund	of	Albion Park Rail
Mrs Pauline Peever	of	Albion Park Rail
Mrs Brunhilde Stottmeister	of	Albion Park Rail
Mrs Letitia Dawes	of	Calderwood
Mr Edwin John Smith	of	Flinders
Mrs Imma Aranega	of	Lake Illawarra
Mrs Diane Wallace	of	Lake South
Mrs Daphne Rose Brown	of	Oak Flats
Mrs Else Schmidt	of	Oak Flats
Mr Blaze Siljanovski	of	Shellharbour
Mr Tony Cheeseman	formerly	of Warilla
Mr John Knox Flannery	of	Warilla
Mr Richard Kearney	of	Warilla
Mrs Juanita Medina	of	Warilla
Mrs Joan Yates	of	Warilla

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

7. Mayor's Statements / Reports / Presentations

The Mayor outlined the events she has attended since the last council meeting as follows:

18/11/15	Morning tea with Young Leaders students from Warilla (Project 2528) Small Business Network meeting and Economic Gardening Graduation
20/11/15	KidzWish Ball
23/11/15	Tourism Roundtable with Member for Kiama
25/11/15	The Rail Neighbourhood AGM

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- White ribbon sign launch
Illawarra Hawks NBL home game
- 27/11/15 Mr & Mrs Hyratt's 50th Wedding Anniversary & Belated 90th Birthday (Mrs Hyratt) Visit
- 28/11/15 The Lions Club of Shellharbour Morning Tea
- 30/11/15 Southern Phones cheque handover
Denny Foundation – congratulating children for their upcoming trip to the National Lego Championships

The Mayor congratulated Council on receiving the Airport Safety Award Regional Airport – Project 2015 award. She also congratulated the South Coast Regional Tourism Organisation on receiving the Gold award for our 'Unspoilt' South Coast Campaign' in the Destination Marketing Category at the recent NSW Tourism Awards.

8. Mayoral Minutes

Nil

9. Councillors' Reports

Nil

10. 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
10.3.1 Council Land – Creamery Road, Lot 40 DP 805748, Albion Park Rail	13	Jeanette Riley

351 RESOLVED: Murray/Marsh

That Standing Orders be suspended in order for Item 10.3.1, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

10.3 Corporate Policy Directorate

10.3.1 Council Land - Creamery Road, Lot 40 DP 805748, Albion Park Rail (10619921)

352 RESOLVED: Marsh/Murray

1. That the Mayor and General Manager, or his nominated delegate, be authorised to sign the Development Application as landowner of Lot 40 DP 805748, 5 Creamery Road, Albion Park Rail to only provide consent for lodgement of the Development Application.
2. Subject to the approval of the Development Application, that Council enter into a licence agreement with Shellharbour City Arts Society Incorporated for the use of Lot 40 DP805748, 5 Creamery Road Albion Park Rail (Council land). The term of the agreement will be for a period of 5 years and the permitted use is to facilitate vehicle access and manoeuvring areas, car parking spaces and possibly sanitary facilities and storage, outdoor classes and workshops. That the annual rental of \$15,000 plus GST be subsidised by 83.33% in accordance with Council's Policy, therefore the annual rental is to commence at \$2,500.50 plus GST. The rental is to be increased by Consumer Price Index on each anniversary of the commencement date.
3. That Council note the annual "in-kind donations" 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 any documentation associated with the Licence agreement with Shellharbour City Arts Society Incorporated for the use of Lot 40 DP805748, 5 Creamery Road Albion Park Rail, under Council Seal.
5. That Council approve for Council officers to commence formal discussions with Rail Corporation regarding the complexities which impacts Council land by connecting it to Rail Corporation's land.
6. The outcome of these discussions to be reported to a future Council meeting.

CARRIED UNANIMOUSLY

353 RESOLVED: Murray/Marsh

That Standing Orders be resumed.

10.1 General Manager

10.1.1 Monthly Investment Report - October 2015 (10622956)

354 RESOLVED: Murray/Marsh

That Council receive and note the attached Investment Portfolio reports, as at 31 October 2015.

CARRIED UNANIMOUSLY

10.1.2 Inflatable Water Slide for Summer School Holidays (10626179)

355 RESOLVED: Rankin/Murray

1. That Council arrange for an inflatable waterslide activity to be held on Saturday 9 January 2016 for up to four hours, at a suitable location to be determined by Council events staff, with the funding to be provided from within existing operational budgets.
2. That Council continue to promote the pool inflatable and pool open days while investigating the possibility of having a commercial company set up an inflatable waterslide activity in Shellharbour for the 2016/2017 summer.

CARRIED: 5/2

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

10.2 City Outcomes Directorate

10.3 Corporate Policy Directorate

10.3.1 Council Land - Creamery Road, Lot 40 DP 805748, Albion Park Rail (10619921)

This matter was dealt with earlier in the agenda as it was the subject of Addresses to Council prior to the meeting (See Resolution No. 349)

10.3.2 Licence Agreement - Optus Mobile Pty Ltd, Lot 8032 DP 1072187 and Road Reserve, Shellharbour (10624514)

Note: Councillor Rankin declared a non-pecuniary interest for Item 10.3.2 and remained in the Chamber.

MOTION: Murray/Marsh

That:

1. Council exhibit the proposal to enter into a five (5) year Licence Agreement with Optus Mobile Pty Ltd for use of a section of Lot 8032 DP 1072187 and road reserve, Boollwarroo Pde Shellharbour.
2. Provided no relevant objections are received, Council enter into a Licence agreement with Optus Mobile Pty Ltd for a term of (5) five years for use of a section of Lot 8032 DP 1072187 and road reserve, Boollwarroo Pde Shellharbour, at a commencement annual rental of \$17,000 plus GST, annual increase of Consumer Price Index are to be applied on each anniversary of the commencement date.
3. The Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the Licence Agreement with Optus Mobile Pty Ltd for use of a section of Lot 8032 DP 1072187 and road reserve, Boollwarroo Pde Shellharbour, under Council Seal.

Councillor Moran proposed the following amendment to point 2 of the Motion, which was not accepted by the Mover:

2. Provided no relevant objections are received, Council enter into a Licence agreement with Optus Mobile Pty Ltd for a term of (5) five years for use of a section of Lot 8032 DP 1072187 and road reserve, Boollwarroo Pde Shellharbour, at a commencement annual rental of \$17,000 plus GST and an annual increase of 5% be applied on each anniversary of the commencement date.

356 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

10.3.3 Proposed Acquisition - Pt Lot 59 DP1165432, 151 Tongarra Road, Albion Park (10618098)

357 RESOLVED: Boyle/Marsh

1. That Council acquire a section of privately owned land being Part Lot 59 DP1165432, 151 Tongarra Rd Albion Park for the purpose of road.
2. Upon acquisition that the land be dedicated as Public Road in accordance with the Roads Act 1993.

3. That the Mayor and General Manager or his nominated delegate be authorised to sign documentation associated with the acquisition of Part Lot 59 DP1165432, 151 Tongarra Rd Albion Park.

CARRIED UNANIMOUSLY

10.4 Shellharbour Enterprises Directorate

10.4.1 Shell Cove Progress Report to 22 November 2015 (10616956)

358 RESOLVED: Murray/Rankin

That:

1. The progress report for the period from 17 August 2015 to 22 November 2015 for the Shell Cove Project be received and noted.
2. The Mayor and the General Manager, or his nominated delegate, be authorised to sign the Subdivision Plan and 88B Instrument for the subdivision of Lot 1279 DP 1175512 and Lot 1597 DP 1194294, and any documents associated with the sale (including the Transfers and the Deeds of Covenant) of proposed lots 2001 to 2050 (The Waterfront Stage B1.1), under Council Seal.
3. The Mayor and the General Manager, or his nominated delegate, be authorised to sign the Subdivision Plan and 88B Instrument for the subdivision of Lot 4716 DP 1061816, Lot 6542 DP 1135834 and Lot 6728 DP 1171495, and any associated documents for proposed lots 1 to 4 (Stage 6 and The Knoll Reserve), under Council Seal.
4. The Mayor and the General Manager, or his nominated delegate, be authorised to sign the Access Deed between Warrigal, Council and Australand, under Council Seal.

CARRIED UNANIMOUSLY

10.4.2 Amended Pesticides Notification Plan 10624931)

359 RESOLVED: Rankin/Murray

1. That Council endorse the amended Pesticides Notification Plan be placed on public exhibition for a period of 28 days calling for submissions.
2. That if any submissions are received as a result of public exhibition, or if there are substantial post public exhibition changes proposed for any other reasons, a report be submitted to Council for consideration

detailing the public exhibition outcomes and with further recommendations regarding adoption.

3. That if there are no substantial, valid submissions received as a result of the public exhibition, or there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the amended Pesticides Notification Plan as attached to this report.

CARRIED UNANIMOUSLY

11. Committee Recommendations

Nil

12. Items for Information

12.1 Response to Questions on Notice Submitted by Cr Kellie Marsh and Cr Paul Rankin - Water Storage at the Links Shell Cove (10622397)

The Item for Information was formally noted.

13. Notices of Rescission/Alteration Motions

Nil

14. Notices of Motion

Nil

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

Nil.

16. Urgent Business

Councillor Marsh sought to move an item of urgent business which was not accepted by the Mayor.

17. Committee of the Whole in Closed Session: Adjournment

Nil.

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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

Meeting closed 7.31 pm