

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 29 November 2016 commencing at 6.31 pm**

Present

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

In attendance

General Manager	C McIntyre
Acting Director City Outcomes	M Boxall
Acting Director Corporate Policy	R Owens
Acting Director Shellharbour Enterprises	K Packer
Executive Manager / Public Officer	F Lepouras
Group Manager Infrastructure Services	M Boenisch
Acting Group Manager City Strategy	C Lappin
Group Manager City Development	G Meredith
Group Manager Information & Customer Services	H Perera
Acting Chief Financial Officer	P Henderson
Acting IT Manager	M Baez
Manager Environment	M Fields
Manager Property & Recreation	D Flanagan
Team Leader Waste Management	C Williams
Development Contributions Officer	M Ballinger
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 8 November 2016

334 RESOLVED: Marsh/Murray

That the Minutes of the Ordinary Council Meeting held on 8 November 2016 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.2 Committee of the Whole 8 November 2016

335 RESOLVED: Boyle/Murray

That the Minutes of the Committee of the Whole (Confidential) Council Meeting held on 8 November 2016 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

Nil

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6. Condolences

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

Mrs Dawn Chalker	of	Albion Park
Mr Wayne Crane	formerly of	Albion Park Rail
Mrs Edna Mary Staines	of	Albion Park Rail
Mr Glenn Bryant	of	Barrack Heights
Mr William Sheather	formerly of	Barrack Heights
Mrs Spasa Josevska	of	Blackbutt
Mrs Susan Yvonne Monnier	of	Blackbutt
Mr Charles Ladislav Kovacs	of	Lake Illawarra
Ms Joan Margaret Butler	of	Mount Warrigal
Mrs Susan Kathleen Lacey	of	Oak Flats
Mr Allen Lyddiard	of	Oak Flats
Mrs Daphne Ilma Griffiths	formerly of	Shellharbour
Mr Colin Worthy	of	Shellharbour
Mr Maxwell Frederick Trezise	of	Warilla

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

7. Mayor's Statements / Reports / Presentations

The Mayor has attended the following events since the last Council Meeting:

- 10/11/16 - 50th Wedding Anniversary: Peter and Ann Carberry of Warilla
- IRT Chairman's Dinner
- 13/11/16 - Women of Culture Dinner
- 14/11/16 - Albion Park RSL Macquarie Day Club 32nd Birthday
- 20/11/16 - CONVOY i98
- 21/11/16 - Westpool Board Meeting
- 22/11/16 - Healthy Cities Illawarra/Healthy People Illawarra AGM
- Launch of Mayor's Giving Tree

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- 23/11/16 - Southern Joint Regional Planning Panel meeting
- 28/11/16 - Have your say forum - community engagement to inform the DIAP Forum

The Mayor also thanked Councillors who attended the Remembrance Day services on behalf of Council.

8. Mayoral Minutes

8.1 Local Government NSW Membership

337 RESOLVED: Mayor Saliba

That Council Officers prepare a report on the costs and benefits of Council's membership of Local Government NSW.

CARRIED UNANIMOUSLY

9. Councillors' Reports

Councillor Stewart noted her attendance at the Albion Park RSL Remembrance Day Service with the General Manager.

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
10.1.1 First Quarter Review of the Operational Plan 2016/17	5	Sonya McKay
10.1.3 Code of Conduct Complaints Statistics Report 2015-2016	18	Sonya McKay
10.3.7 Illawarra Regional Airport – Lot 2 DP 1092398, Airport Road – Total Aerospace Solutions Pty Ltd – Lease Agreement	139	Sonya McKay

10.1 General Manager

10.1.1 First Quarter Review of the Operational Plan 2016/17 (10794629)

338 RESOLVED: Murray/Marsh

That Council:

1. receive and endorse the First Quarter Review of the Operational Plan 2016/17 for the quarter ended 30 September 2016.
2. adopt the September 2016 Quarter Budget Review with all recommended adjustments as contained in this report and attachments.

CARRIED UNANIMOUSLY

10.1.2 Christmas / New Year Closure of Council Operations (10791287)

339 RESOLVED: Murray/Boyle

That this report be received and noted.

CARRIED UNANIMOUSLY

10.1.3 Code of Conduct Complaints Statistics Report 2015-2016 (10795618)

340 RESOLVED: Marsh/Murray

That Council receive and note the Code of Conduct Complaints Statistics report for the period 1 September 2015 to 31 August 2016 as presented.

CARRIED UNANIMOUSLY

10.2 City Outcomes Directorate

10.2.1 Draft Section 94 Contributions Plan 2016 (8th Review) Amendment 1 (10794631)

Councillor Moran asked if the land acquisitions relating to the Rivulet Crescent extension can take place now rather than waiting until 2026/27 given that land values are likely to rise. The General Manager took the Question on Notice.

341 RESOLVED: Boyle/Murray

That Council:

1. confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. endorse the Draft Section 94 Contributions Plan 2016 (8th Review) – Amendment 1 and place it on public exhibition for a minimum of 28 days.
3. seek a further report after the exhibition period that includes a summary of submissions received; and that makes further recommendations in relation to the adoption of the Section 94 Contributions Plan 2016 (8th Review) - Amendment 1.

CARRIED UNANIMOUSLY

10.2.2 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 18 - 22 Queen Street, Lake Illawarra (10794634)

342 RESOLVED: Marsh/Murray

That Council:

1. confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. adopt the following amendment to Shellharbour Local Environmental Plan 2013 for the purpose of making the LEP under section 59(2) of the *Environmental Planning & Assessment Act 1979*:

Use of certain land at 22 Queen Street, Lake Illawarra

- (1) This clause applies to land in Zone B1 Neighbourhood Centre at 22 Queen Street, Lake Illawarra, being Lot 398, DP 225930, identified as "2A" on the Additional Permitted Uses Map.
 - (2) Development for the purpose of a residential flat building is permitted with development consent if the floor space ratio does not exceed 0.9:1.
3. delegate to the General Manager authority to sign the Map Cover Sheet and send the Planning Proposal to the regional office of the NSW Department of Planning & Environment in accordance with section 59(2) of the *Environmental Planning & Assessment Act 1979* to place the amending LEP on the NSW Legislation website.

CARRIED UNANIMOUSLY

10.2.3 Coastal Zone Management Plan for the Minnamurra River Estuary (10794678)

343 RESOLVED: Boyle/Murray

1. That Council adopt the Coastal Zone Management Plan for the Minnamurra River Estuary (June 2015).
2. That Council endorse the issue of a letter of support for the Coastal Zone Management Plan for the Minnamurra River Estuary to be certified under the Coastal Protection Act 1979 by the NSW Minister for Planning.

CARRIED UNANIMOUSLY

10.2.4 Use of Recyclable Plastics (10794702)

344 RESOLVED: Moran/Boyle

That Council receive and note the report.

CARRIED UNANIMOUSLY

10.3 Corporate Policy Directorate

10.3.1 Albion Park Showground - Des King Oval - Lighting - Tender 2016/29 (10793641)

345 RESOLVED: Murray/Rankin

That Council:

1. Confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2005, decline to accept any tender offers made for Tender 2016/29.
3. Approve a new tender invitation to be made, based on similar details and revised (increased) scope of works.

CARRIED UNANIMOUSLY

10.3.2 Dunmore Recycling and Waste Disposal Depot - Organics Processing - Extension of Contract 2015/35 (10793686)

346 RESOLVED: Boyle/Marsh

That Council:

1. Confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. Extend Contract 2015/35 to 30 June 2017 in accordance with Clause 2.2.2.
3. Delegate to the General Manager, or his nominated delegate the authority to sign the Letter of Extension to the Contractor on behalf of Shellharbour City Council.
4. Delegate to the General Manager, or his nominated delegate the authority to extend Contract 2015/35 beyond 30 June 2017, if required in accordance with Clause 2.2.2.

CARRIED UNANIMOUSLY

10.3.3 Funding of Information Technology Infrastructure Assets (10794275)

347 RESOLVED: Marsh/Murray

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. That Council approve loan borrowings for the amount of \$1,821,706 over a 5 year term to fund the IT infrastructure work programme at the Civic Centre.
3. As firm quotes will not be received until the day of the Council meeting, that authority be granted to the General Manager to accept the most advantageous interest rate.
4. That the Mayor and General Manager, or his nominated delegate, be authorised to execute any loan documents under common seal of Council.

CARRIED UNANIMOUSLY

10.3.4 Adoption of the Draft Masterplan for Flinders Reserve (10793943)

348 RESOLVED: Murray/Boyle

That Council:

1. Confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. Adopt the amended Draft Masterplan for Flinders Reserve.

CARRIED UNANIMOUSLY

10.3.5 Adoption of the Draft Masterplan for Albion Park Showground (10793773)

349 RESOLVED: Marsh/Murray

That Council:

1. Confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. Adopt the amended draft Masterplan for Albion Park Showground.

CARRIED UNANIMOUSLY

10.3.6 Expired Leases and Licences (10793944)

350 RESOLVED: Murray/Moran

That Council receive and note this report.

CARRIED UNANIMOUSLY

10.3.7 Illawarra Regional Airport - Lot 2 DP 1092398, Airport Road - Total Aerospace Solutions Pty Ltd - Lease Agreement (10793591)

351 RESOLVED: Murray/Boyle

That Council:

1. Confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the *Local Government Act*, 1993, in resolving on this matter.

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2. Approve to enter a new lease agreement with Total Aerospace Solutions Pty Limited at the Illawarra Regional Airport for occupation of Lot 2 DP 1092398 for a term of one year with a further two one year options at the commencing annual rental of \$22,200 (exclusive of GST).
3. Approve that the Mayor and General Manager, or his nominated delegate, be authorised to sign a new lease agreement with Total Aerospace Solutions Pty Limited (*Lessee*) at the Illawarra Regional Airport for occupation of Lot 2 DP 1092398, under Council Seal.

CARRIED UNANIMOUSLY

10.3.8 Lot 2 DP 1091265 Cygnet Avenue, Shellharbour City Centre - Creation of Easement - Affix Council Seal (10793476)

352 RESOLVED: Marsh/Boyle

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. That the Mayor and General Manager, or his nominated delegate, be authorised to sign the Section 88B instrument and associated Deposited Plan Administration Sheets by affixing the Seal of Council to the associated documentation between Shellharbour City Council and Endeavour Energy within Lot 2 DP 1091265 Cygnet Avenue Shellharbour City Centre, for the creation of an easement.

CARRIED UNANIMOUSLY

10.4 Shellharbour Enterprises Directorate

Nil

11. Committee Recommendations

11.1 Recommendations from the Traffic Committee Meeting held 2 November 2016 recommended for adoption.

353 RESOLVED: Marsh/Murray

That the Recommendations from the Traffic Committee Meeting held of 2 November 2016 be adopted.

CARRIED UNANIMOUSLY

12. Items for Information

Nil

13. Notices of Rescission/Alteration Motions

Nil

14. Notices of Motion

14.1 Notice of Motion submitted by Cr Peter Moran: Shellharbour Development Control Plan (10797092)

MOTION: Moran/Marsh

That:

1. When next reviewing the Shellharbour Development Control Plan, Council officers remove all uses of words which demand compliance such as shall, will and must, where it is not the case that the section in question actually compels development stakeholders.
2. When next reviewing the Shellharbour Development Control Plan, Council officers include in the introduction, a statement which indicates that unless otherwise noted, all numerical values are aspirational only and that approval is conditional on meeting the objectives of the DCP.

354 RESOLVED: Marsh/Murray

That Cr Moran be given an extension of time of 30 seconds to conclude his address.

CARRIED UNANIMOUSLY

355 The MOTION on being PUT to the Meeting was LOST 3 / 4

FOR VOTE - Cr Moran, Cr Stewart, Cr Marsh

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

Business Arising

356 RESOLVED: Murray/Boyle

That Council Officers report to Council on the feasibility of providing a plain English forward to the DCP.

CARRIED UNANIMOUSLY

14.2 Notice of Motion submitted by Cr Peter Moran: Illawarra Regional Airport (10797294)

357 RESOLVED: Moran/Marsh

That a report be prepared on the impacts on the operations generally and the safe operations particularly at the Illawarra Regional Airport of surrounding businesses. Such a report shall include, but not be limited to, the issue of dust on the runway. The report shall also address whether or not businesses adjoining the airport have Council approvals in place and whether or not adjoining businesses are operating in compliance with the zoning of the land upon which they operate.

CARRIED UNANIMOUSLY

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

Nil

16. Urgent Business

Nil

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

19.1 Consideration of Motions to Declassify Reports Considered in Closed Session: Property Matters (10793475)

358 RESOLVED: Moran/Marsh

That Council:

1. Confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.

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2. Declassify the confidential reports listed in the table below.

Reports	Council Meeting Date	Item Number
Deed of Acquisition, Compensation and Licence for Oak Flats Land between Council and Transport for NSW (10040259)	19 November 2013	11.3.6
Sale of Former Council Chambers and Administration Centre, 162 Shellharbour Road, Warilla and adjoining Lot, 4 Lake Entrance Road Warilla (10218622)	12 August 2014	4.1
Disposal of Council Land at Lot 1 DP1188837 Shandan Circuit, Albion Park (10217976)	12 August 2014	4.2

CARRIED UNANIMOUSLY

Meeting closed 7.46 pm