

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 21 November 2017 commencing at 6.35 pm**

Present

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

In attendance

General Manager	C McIntyre
Director Council Sustainability	M Youell
Director Community and Customers	M Boxall
Director Amenity and Assets	B Stewart
Executive Manager / Public Officer	F Lepouras
Chief Financial Officer	G Grantham
Acting Group Manager Organisation Performance	A Bateman
Group Manager City Development	G Meredith
Group Manager Community Connections	K Baget-Juleff
Group Manager Asset Strategy	K Packer
Manager Property Services	D Flanagan
Senior Strategic Planner	C Lappin
Senior Development Assessment Officer	V Nicholson
Media Officer	K Wells
Senior Executive Assistant	L Davey
Councillor Support Officer (Minute Taker)	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.

The Mayor read the usual advice regarding the webcasting of the meetings of the Council and the emergency plan for Council Meetings.

2. Apologies

Ordinary Council Meeting

Nil

Committee of the Whole Council Meeting

Nil

3. Leave of Absence

4. Confirmation of Minutes

4.1 Ordinary Meeting 31 October 2017

275 RESOLVED: Murray/Marsh

That the Minutes of the Ordinary Council Meeting held on 31 October 2017 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

4.2 Committee of the Whole Council Meeting (Confidential) 10 October 2017

276 RESOLVED: Murray/Petreski

That the Minutes of the Committee of the Whole Council Meeting (Confidential) held on 10 October 2017 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

4.3 Committee of the Whole Council Meeting (Confidential) 31 October 2017

277 RESOLVED: Cattell/Marsh

That the Minutes of the Committee of the Whole Council Meeting (Confidential) held on 31 October 2017 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

5. Declarations of Interest

Nil

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

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

Set out below is Section 10A(2) of the Local Government Act 1993, in relation to Confidential Business:

10A(2) Which parts of a meeting can be closed to the public? The matters and information are the following:

- (a) personnel matters concerning particular individuals,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

CONFIDENTIAL ITEMS

6.1 Acquisition of Interest in Land - Creation of Easements for drainage of water over Lot 6 DP17333 (13 Wollongong Street) and Lot 7 DP14295 (15 Wollongong Street), Shellharbour (10965944)

Reason for Confidentiality

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

Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business.

The consideration of this information must be kept confidential of commercial details without prejudicing the Council's commercial interest and if included in the open report would be contrary to the public interest.

7. Condolences

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

Mr Simon Peter Knell	of	Albion Park
Mr Wallace Albert Pithers	of	Albion Park
Mrs Doreen Joyce Bates	of	Albion Park Rail
Mr Peter Coles	of	Albion Park Rail
Mr Alan Lloyd	of	Albion Park Rail
Ms Ann-Maree Ogilvy	of	Albion Park Rail
Mrs Androniki Cugaly	of	Barrack Heights
Mrs Wendy Blake	of	Flinders
Mr William Carter	formerly of	Lake Illawarra
Mr Travis Dean	of	Mount Warrigal
Mr Phillip James	of	Mount Warrigal
Mrs Pam Johnston	of	Mount Warrigal
Mrs Carmel Noakes	of	Oak Flats
Mr Luigi Frino	of	Shell Cove
Mrs Nancy Greta Hudson	formerly of	Warilla
Mrs Bonnie Sykes	of	Warilla

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278 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:

- 3/11/17 RAAF AP3C Orion Press Handover
Multicultural Communities Council of Illawarra Gala Dinner
- 5/11/17 FOCUS Oak Flats
- 6/11/17 Stella Maris - Learning Celebration
- 9-10/11/17 South East Australian Transport Strategy Inc. Meeting in Canberra
- 10/11/17 ALGWA National Board Meeting
- 13/11/17 Albion Park RSL Macquarie Day Club- 33rd Birthday
- 14/11/17 Mrs Iris Garrard of Albion Park Rail 100th Birthday visit
- 15/11/17 Healthy Cities Illawarra - Unpacking the United Nations Sustainable Development Goals – Breakfast
- 16/11/17 South Coast Forum of Mayors
- 19/11/17 Convoy
- 21/11/17 Lake Illawarra Local Area Command - Awards Ceremony

Presentation

Stephen Jones MP – Member for Whitlam, Shadow Minister for Regional Communications, Shadow Minister for Regional Services, Territories and Local Government addressed Council.

9. Mayoral Minutes

9.1 Mayoral Minute: South East Australian Transport Strategy Inc. (SEATS) Petition (10970519)

279 RESOLVED: Mayor Saliba

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That Council endorse placing the South East Australian Transport Strategy Inc (SEATS) petition in relation to the Princes Highway in Council's public areas such as the Administration Building and libraries.

CARRIED UNANIMOUSLY

10. Councillors' Statements / Reports

Nil

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
Council Sustainability Directorate		
11.2.4 Proposed Licence with Historical Aircraft Restoration Society Incorporated – Open Days	38	Bob Delahunty
11.2.6 Warilla Library Site – Lease further term	49	Paul Hockey
Community and Customers Directorate		
11.3.3 Proposed Warilla Library Development Application No. 514/2016, Lots 15 & 16 DP 717959, 6 & 8 Woolworths Avenue, Lake Illawarra	75	Paul Hockey

280 RESOLVED: Murray/Cattell

That Standing Orders be suspended in order for Items 11.2.4, 11.2.6 and 11.3.3, the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

11.2 Council Sustainability Directorate

11.2.4 Proposed Licence with Historical Aircraft Restoration Society Incorporated - Open Days (10964996)

MOTION: Murray/Marsh

That Council:

1. Subject to the Development Consent, approve to enter into a licence agreement with Historical Aircraft Restoration Society Incorporated (HARS) for part of Lot 10 in Deposited Plan 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport to conduct Open Days on the second Friday, Saturday and Sunday of each month for a period of ten (10) years, subject to the approval of the Development Application Modification.
2. Approve that the annual rental of \$3,300 (exclusive GST) be subsidised by 62.5% in accordance with Council's Policy, therefore the annual rental is to commence at \$1237.50 (exclusive GST). The rental is to be increased by Consumer Price Index on each anniversary of the commencement date and every fifth year by market review.
3. Note the annual "in-kind donation" in Council's aggregate record of donations to the community.
4. Approve for the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the licence, with the Historical Aircraft Restoration Society Incorporated (HARS) for part of Lot 10 in Deposited Plan 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport to conduct Open Days on the second Friday, Saturday and Sunday of each month, under Council Seal if required.

Councillor Moran proposed the following amendment to point 1 of the Motion that was accepted by the Mover:

1. Subject to the Development Consent, approve to enter into a licence agreement with Historical Aircraft Restoration Society Incorporated (HARS) for part of Lot 10 in Deposited Plan 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport to conduct Open Days on three consecutive days

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commencing on the second Friday of the month for a period of ten (10) years, subject to the approval of the Development Application Modification.

281 RESOLVED: Marsh/Murray

That Councillor Moran be granted an extension of 30 seconds to conclude his address.

CARRIED UNANIMOUSLY

282 RESOLVED: Murray/Marsh

That Council:

1. Subject to the Development Consent, approve to enter into a licence agreement with Historical Aircraft Restoration Society Incorporated (HARS) for part of Lot 10 in Deposited Plan 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport to conduct Open Days on three consecutive days commencing on the second Friday of the month for a period of ten (10) years, subject to the approval of the Development Application Modification.
2. Approve that the annual rental of \$3,300 (exclusive GST) be subsidised by 62.5% in accordance with Council's Policy, therefore the annual rental is to commence at \$1237.50 (exclusive GST). The rental is to be increased by Consumer Price Index on each anniversary of the commencement date and every fifth year by market review.
3. Note the annual "in-kind donation" in Council's aggregate record of donations to the community.
4. Approve for the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the licence, with the Historical Aircraft Restoration Society Incorporated (HARS) for part of Lot 10 in Deposited Plan 1157377 Airport Road, Albion Park Rail, Illawarra Regional Airport to conduct Open Days on the second Friday, Saturday and Sunday of each month, under Council Seal if required.

CARRIED: 6/1

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

AGAINST VOTE - Cr Moran

11.2.6 Warilla Library Site - Lease further term (10965310)

Following the Mayor's comments during debate on this item, Councillor Moran provided a personal explanation in regards to her comments and clarified that he said during his statement that Council had not identified a site for construction in a timely fashion.

283 RESOLVED: Cattell/Murray

That Council:

1. Approve to enter into a further lease term commencing 1 April 2018 terminating 31 March 2019 with an option to renew for a period of two option terms, each for a period of six (6) months for the Warilla Library and associated car parking.
2. Approve that the Mayor and General Manager, or his nominated delegate, be authorised to sign under Council Seal, the lease documentation for the Warilla Library and associated car parking.

CARRIED UNANIMOUSLY

11.3 Community and Customers Directorate

11.3.3 Proposed Warilla Library Development Application No. 514/2016, Lots 15 & 16 DP 717959, 6 & 8 Woolworths Avenue, Lake Illawarra (10963854)

Councillor Marsh asked if there are future plans to construct a footpath on the site opposite the funeral directors on Woolworths Avenue. The General Manager took the Question on Notice.

284 RESOLVED: Murray/Petreski

That Council grant the consent to Development Application No.514/2016 to construct a community facility for use as a library and associated carparking at Lots 15 and 16 in DP 717959, 6 & 8 Woolworths Avenue Lake Illawarra subject to the conditions of consent in Attachment 6 of this report.

CARRIED: 6/1

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

285 RESOLVED: Murray/Marsh

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

CARRIED UNANIMOUSLY

Meeting adjourned at 7.41pm

Meeting resumed at 7.48pm

286 RESOLVED: Murray/Marsh

That standing orders be suspended to consider item 10. Councillor Statements/Reports here on the Agenda as item 10 had previously been missed earlier in the meeting.

CARRIED UNANIMOUSLY

Councillor Marsh outlined her attendance at the Shellharbour TAFE White Ribbon event that she attended on behalf of the Mayor. She also advised that the White Ribbon Walk is taking place on 24 November 2017 in Wollongong.

287 RESOLVED: Murray/Marsh

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

11.1 General Manager

11.1.1 First Quarter Review of the Operational Plan 2017-18 (10964180)

288 RESOLVED: Murray/Marsh

1. That Council receive and endorse the First Quarter Review of the Operational Plan 2017/18 for the quarter ended 30 September 2017.
2. That Council adopt the September 2017 Quarter Budget Review with all recommended adjustments as contained in this report and attachments.

CARRIED UNANIMOUSLY

11.1.2 Model Code of Conduct Complaints Statistics 2016 - 2017 (10964196)

289 RESOLVED: Marsh/Murray

That Council receive and note the Code of Conduct Complaints Statistics report for the period 1 September 2016 to 31 August 2017 as presented.

CARRIED UNANIMOUSLY

11.2 Council Sustainability Directorate**11.2.1 Requests for Financial Assistance - Second Quarter Allocation 2017/18 (10962857)**

290 RESOLVED: Murray/Cattell

1. That Council provide financial assistance from the miscellaneous donations budget totalling \$4,825 to the following:

Organisation	Reason Requesting	Recommended
Warilla / Barrack Point Surf Life Saving Club	Purchase three nipper boards	\$1,425
St Vincent de Paul Society Shellharbour Conference	Towards costs for Christmas lunch for elderly and disadvantaged	\$500
The Shepherd Centre	'Listen I'm Talking' program for hearing impaired local children	\$1,500
Tullimbar Public School	Materials to set up bush tucker garden	\$500
Community Service Awards for local schools	Annual end of year awards	\$900
Total recommended		\$4,825

2. That the following groups each receive a proportion of the remaining 20% of proceeds from Australia Day Breakfast by the Lake 2018, Cash for City Charities programme up to the full amounts requested should proceeds allow:

- Shellharbour Hospital Auxiliary
- Riding for the Disabled Association.

CARRIED UNANIMOUSLY

11.2.2 Renewal Licence Agreement between Shellharbour City Council and Claude Outdoor Pty Ltd (10964876)

291 RESOLVED: Murray/Marsh

1. That Council renew the Licence Agreement with Claude Group Pty Limited for a period of five (5) years, at an annual fee of \$750 (exclusive of GST) for each Static Illuminated Device located within road reserves throughout the Shellharbour Local Government Area and that the licence fee be increased annually by Consumer Price Index.
2. That the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the Licence Agreement under Council Seal.

CARRIED UNANIMOUSLY

11.2.3 Sophia Street and Old Bass Point Road, Shellharbour – Proposed Formal Road Closure of sections of Public Road (10964880)

292 RESOLVED: Marsh/Petreski

That:

1. Council commence the process to formally close the sections of public road being Sophia Street and Old Bass Point Road Shellharbour, as legislated under the *Roads Act 1993*.
2. Council endorse for the proposed closure of public road being Sophia Street and Old Bass Point Road Shellharbour to be placed on public exhibition for a period of twenty-eight (28) days calling for submissions.
3. Provided no relevant submissions are received, forward an application to the NSW Department of Industry, Crown Lands and Water Division for the road closure of parts of Sophia Street and Old Bass Point Road Shellharbour.
4. If any relevant submissions are received as a result of public exhibition, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations.
5. Upon approval from the Department of Industry, Crown Lands and Water Division of the closure of parts of Sophia Street and Old Bass Point Road Shellharbour, Council classify the land as Community land and amalgamate to form part of Sophia Park.
6. Council approve the Mayor and General Manager, or his nominated delegate, to be authorised to sign any documentation associated with

the application for the closure of Sophia Street and Old Bass Point Road Shellharbour under Council Seal.

CARRIED UNANIMOUSLY

11.2.4 Proposed Licence with Historical Aircraft Restoration Society Incorporated - Open Days (10964996)

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. 282)

11.2.5 Laneway off Leawarra Avenue, Warilla: Renewal of Lease Agreement with The Trustee for The Salvation Army (NSW) Property Trust (10965208)

293 RESOLVED: Murray/Moran

That Council:

1. Commence the formal process to renew the lease agreement with The Trustee for The Salvation Army (NSW) Property Trust (57 507 607 457) for occupation of the section of laneway adjoining No's 45 - 51 Ulster Avenue, Warilla for a period of five years.
2. Endorse the lease to be placed on public exhibition for a period of twenty-eight (28) days calling for submissions.
3. Approve that if any relevant 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.
4. Approve if there are no relevant submissions received as a result of the public exhibition, or there are no substantial post public exhibition changes proposed for any other reasons, Council enter into a lease for a term of five years with The Trustee for The Salvation Army (NSW) Property Trust (57 507 607 457) for occupation of the section of laneway adjoining No's 45 - 51 Ulster Avenue, Warilla at an annual rental in accordance with the current financial years fees and charges and annual increases by Consumer price Index (CPI) will apply.
5. Approve for the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the lease, under Council Seal if required.

CARRIED UNANIMOUSLY

11.2.6 Warilla Library Site - Lease further term (10965310)

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. 283)

11.2.7 North Macquarie Road, Calderwood Valley - Proposed Formal Road Closure of sections of Public Road (10965326)

294 RESOLVED: Murray/Marsh

That:

1. Council approve to commence the process to formally close the section of public road being North Macquarie Road (as per Stage 3C2 of the Calderwood Development), as legislated under the *Roads Act 1993*.
2. Provided no relevant submissions are received, forward an application to the Department of Primary Industries, Crown Lands for the road closure of part of North Macquarie Road, Calderwood Valley (as per Stage 3C2 of the Calderwood Development).
3. If any relevant submissions are received as a result of public exhibition, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations.
4. Upon approval from the Department of Primary Industries - Lands of the closure of parts of North Macquarie Road, Council classify the land as Operational land.
5. Council approve the section of Public Road being parts of North Macquarie Road, once closed and classified as Operational Land, be offered for disposal to Lendlease for the contract value as noted within the confidential memo to all Councillors.
6. Council approve the Mayor and General Manager, or his nominated delegate, to be authorised to sign any documentation associated with the application for the closure and the disposal of part of North Macquarie Road, Calderwood Valley (as per Stage 3C2 of the Calderwood Development) under Council Seal.
7. Council approve the proceeds from the sale of the land be allocated to the Tripoli Way Extension, Albion Park By-Pass Project.

CARRIED UNANIMOUSLY

11.3 Community and Customers Directorate**11.3.1 Sponsorship Applications - Second Allocation 2017/18 (10962856)**

295 RESOLVED: Murray/Moran

1. That Council provide sponsorship to the following groups from the sponsorship budget totalling \$3,500:

2017/18 Sponsorship recommendations		
Applicant	Event Name	Recommendation
Southlake Illawarra BMX Track	BMX NSW State Series Round	\$3,000.00
Illawarra Veterans Golfers Association	2017 Illawarra Golf Week	\$500 worth of golf prizes purchased from the Links
	TOTAL	\$3,500.00

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

CARRIED UNANIMOUSLY

11.3.2 Dog Agility Parks and off leash Areas (10964349)

Councillor Moran asked if Council Officers could provide councillors with a breakdown of the \$5,000 cost for the bench seat. The General Manager took the Question on Notice.

296 RESOLVED: Saliba/Moran

That Council receive and note the report regarding Dog Agility Parks and off leash Areas.

Further that:

1. Council officers prepare a Dog Friendly Areas Strategy and implementation plan for consideration by Council and that this include consultation with the community.
2. That Council officers further investigate the feasibility of segregating large and small dogs at Oak Flats and Flinders Dog Agility Parks and that this include consultation with the community.

CARRIED UNANIMOUSLY

11.3.3 Proposed Warilla Library Development Application No. 514/2016, Lots 15 & 16 DP 717959, 6 & 8 Woolworths Avenue, Lake Illawarra (10963854)

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. 284)

11.4 Amenity and Assets Directorate

11.4.1 Beverley Whitfield Pool Pumping System (10963959)

297 RESOLVED: Murray/Marsh

That Council resolve to proceed with the calling of tenders for Stage 1 to construct the new seawater intake system to replace the existing system.

CARRIED UNANIMOUSLY

12. Committee Recommendations

12.1 Recommendations from the Aboriginal Advisory Committee Meeting held 24 October 2017 recommended for adoption.

298 RESOLVED: Petreski/Moran

That the Recommendations from the Aboriginal Advisory Committee Meeting held of 24 October 2017 be adopted.

CARRIED UNANIMOUSLY

12.2 Recommendations from the Shellharbour Traffic Committee Meeting held 1 November 2017 recommended for adoption.

299 RESOLVED: Marsh/Murray

That the Recommendations from the Shellharbour Traffic Committee Meeting held 1 November 2017 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

Nil

14. Notices of Rescission/Alternation Motions

A Notice of Rescission was dealt with later in the agenda (See Resolution No. 309).

15. Notices of Motions

15.1 Notice of Motion submitted by Cr Nathan Cattell: Illawarra Development Corporation (10964878)

300 RESOLVED: Cattell/Moran

That Council officers prepare a report on the viability of establishing an Illawarra Development Corporation and in the preparation of that report, seek to meet with elected representatives and senior staff of the Illawarra Shoalhaven Joint Organisation.

CARRIED UNANIMOUSLY

15.2 Notice of Motion Submitted by Cr Nathan Cattell: Closed Circuit TV (10965109)

301 RESOLVED: Moran/Murray

That Councillor Marsh be granted an extension of 30 seconds of time to conclude her address.

CARRIED UNANIMOUSLY

302 RESOLVED: Cattell/Marsh

That Council officers prepare a report on the use of CCTV in the city by the Council. In preparing the report, staff are to:

1. Liaise with the Local Area Command and query any specific areas that need to be addressed.
2. Conduct an audit on the functionality of any Shellharbour City Council existing CCTV in order to plan for the updating old cameras with newer technology.
3. Work with residents groups, Chambers of Commerce and Lake Illawarra Local Area Police Commands to identify hot spots.
4. Work with local police to develop a proposed Memorandum of Understanding so that any cameras could be monitored and information used to solve crime;

5. Identify in the first round of Councillor budget consultation, sufficient funding to start the roll out of new cameras in 2018/19 financial year.

CARRIED: 4/3

FOR VOTE - Cr Cattell, Cr Hamilton, Cr Marsh, Cr Moran

AGAINST VOTE - Cr Murray, Cr Petreski, Cr Saliba

15.3 Notice of Motion submitted by Cr Kellie Marsh: Playgrounds (10967331)

MOTION: Marsh/Cattell

That Council staff:

1. Develop a strategy, implementation program (costings and timeframes) to replace existing organic materials with synthetic soft fall and to use soft fall for all proposed playgrounds/play areas. This strategy and implementation program is also to consider the financial and operational implications this may have on Council's Delivery Program.
2. Develop a strategy and implementation program for all new or replaced playgrounds/play areas to be all abilities equipment.
3. The work in Recommendations 1 and 2 is to be consistent with the Playground and Park Design guidelines for Councils that is being developed by the NSW state government and due for completion in 2018.

Councillor Murray proposed the following amendment to point 1 of to the Motion which was accepted by the Mover and the Seconder:

1. Prepare a report that investigates the replacement of existing organic materials with synthetic soft fall and to use soft fall for all proposed playgrounds/play areas. The investigation report is also to consider the financial and operational implications this may have on Council's Delivery Program.

Councillor Moran proposed a further amendment to point 1 of the Motion, which was accepted by the Mover and Seconder:

1. Prepare a report that investigates the replacement of all or some existing organic materials with synthetic soft fall and to use soft fall for all proposed playgrounds/play areas. The investigation report is also to consider the financial and operational implications this may have on Council's Delivery Program.

The Mayor proposed the following amendment to point 2 of the Motion, which was accepted by the Mover and the Secunder:

2. Prepare a report that investigates the inclusion of all abilities equipment for all new or replaced playgrounds/play areas.

303 RESOLVED: Marsh/Cattell

1. Prepare a report that investigates the replacement of all or some existing organic materials with synthetic soft fall and to use soft fall for all proposed playgrounds/play areas. The investigation report is also to consider the financial and operational implications this may have on Council's Delivery Program.
2. Prepare a report that investigates the inclusion of all abilities equipment for all new or replaced playgrounds/play areas.
3. The work in Recommendations 1. and 2. is to be consistent with the Playground and Park Design guidelines for Councils that is being developed by the NSW state government and due for completion in 2018.

CARRIED UNANIMOUSLY

15.4 Notice of Motion submitted by Cr Peter Moran: Skate Park in Oak Flats (10967590)

304 RESOLVED: Moran/Cattell

That council officers prepare a report on the funding options available for a possible future skate park in Oak Flats. Such a report shall also include a synopsis of previously conducted community consultation relating to the possible locations of any skate park in Oak Flats or surrounding areas.

CARRIED UNANIMOUSLY

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 Acquisition of Interest in Land - Creation of Easements for drainage of water over Lot 6 DP17333 (13 Wollongong Street) and Lot 7 DP14295 (15 Wollongong Street), Shellharbour should not be held in Confidential Session (Closed to the Public).

No members of the gallery expressed an interest to address the Council.

305 RESOLVED: Marsh/Murray

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(1-3) 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)(c) 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*.

CARRIED UNANIMOUSLY

Meeting adjourned at 9.27pm

Meeting resumed at 9.43pm

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

The following Recommendations to Council from the Committee of the Whole Council (Confidential) were read to the Meeting by the General Manager.

**6.1 Acquisition of Interest in Land - Creation of Easements for drainage of
water over Lot 6 DP17333 (13 Wollongong Street) and Lot 7 DP14295
(15 Wollongong Street), Shellharbour (10965944)**

COMMITTEE RECOMMENDATION:

That Council:

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1. Approve the acquisition of an easement for drainage of water over Lot 6 DP17333 (13 Wollongong Street Shellharbour) and Lot 7 DP14295 (15 Wollongong Street Shellharbour) pursuant to s186 and 187 of the *Local Government Act 1993* (NSW) by agreement or failing agreement, by compulsory acquisition in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).
2. Approve, if an agreement to the acquisition of the interest in the land is achieved, that the Mayor and General Manager or his nominated delegate be authorised to sign and affix the Seal of Council (if required) to a contract or deed and any other associated documentation to acquire the interest and create the easement for drainage of water over Lot 6 DP17333 (13 Wollongong Street Shellharbour) and Lot 7 DP14295 (15 Wollongong Street Shellharbour).3. Approve to make an application to the Minister for Local Government for the issue of a proposed acquisition notice under the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) with respect to Council's acquisition of an easement for drainage of water over Lot 6 DP17333 (13 Wollongong Street Shellharbour) and Lot 7 DP14295 (15 Wollongong Street Shellharbour).
4. Approve to make an application to the Governor for the publication of an acquisition notice in the NSW Government Gazette under the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) with respect to Council's acquisition of an easement for drainage of water over Lot 6 DP17333 (13 Wollongong Street Shellharbour) and Lot 7 DP14295 (15 Wollongong Street Shellharbour).
5. Approve for the Mayor and General Manager or his nominated delegate be authorised to sign and affix the Seal of Council to any documentation required to be sealed associated with the acquisition of the an easement for drainage of water over Lot 6 DP17333 (13 Wollongong Street Shellharbour) and Lot 7 DP14295 (15 Wollongong Street Shellharbour).
6. Delegate the General Manager or his nominated delegate to execute on behalf of Council any documents associated with the acquisition process that do not require the Seal of Council.

306 RESOLVED: Murray/Cattell

The Recommendation to Council from the Committee of the Whole held earlier today be adopted.

CARRIED UNANIMOUSLY

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting – 21 November 2017

307 RESOLVED: Saliba/Murray

That standing orders be suspended to consider a Notice of Rescission Motion submitted at the meeting.

CARRIED UNANIMOUSLY

308 RESCISSION MOTION: Murray/Petreski

The decision in respect of Item No. 14.2 Notice of Motion Submitted by Cr Nathan Cattell: Closed Circuit TV of today's meeting be rescinded.

CARRIED: 6/1

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

AGAINST VOTE - Cr Marsh

ALTERNATE MOTION: Cattell/Marsh

That council prepare a report regarding the installation of CCTV cameras in the City of Shellharbour taking into consideration:

1. Liaise with the Local Area Command and query any specific areas that need to be addressed.
2. Conduct an audit on the functionality of any Shellharbour City Council existing CCTV in order to plan for the updating old cameras with newer technology.
3. Work with residents groups, Chambers of Commerce and Lake Illawarra Local Area Police Commands to identify hot spots.
4. Work with local police to develop a proposed Memorandum of Understanding so that any cameras could be monitored and information used to solve crime;

309 The ALTERNATE MOTION on being PUT to the Meeting was CARRIED UNANIMOUSLY

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

Nil

Meeting closed 9.52 pm