

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 27 September 2011

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 27 September 2011 commencing at 6.30 pm**

Present

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

In attendance

General Manager	M Willis
Director City Outcomes	C McIntyre
Acting Director Corporate Policy	T Gearon
Director Shellharbour Enterprises	B Green
Group Manager Development & Technical Services	M Boenisch
Acting Group Manager Customer & Environmental Services	M Fields
Group Manager Planning Services	G Hoynes
Group Manager Works & Services	C Watt
Acting Group Manager Community Services & Development	N Williams
Manager Property	D Flanagan
Manager Information Technology	M Leonard
Manager Executive Services / Public Officer	F MastroDomenico
Manager Development & Regulation Services	G Meredith
Social & Community Infrastructure Planner	L Wellington
Help Desk Team Leader	N Mousdale
Media Officer	C Lewis
Executive Assistant	L Davey
Executive Assistant	D Arney
Executive Assistant	M Olsen

1. Acknowledgement to Country

Shellharbour City Council acknowledged the Traditional Owners and Custodians of the Land on which it was meeting and paid its respects to Elders past and present.

Webcasting Statement

The Mayor read the usual advice regarding the webcasting of the meetings of the Council.

2. Confirmation of Minutes

2.1 Ordinary Meeting 30 August 2011

175 RESOLVED: Saliba/Stewart

That the Minutes of the Ordinary Council Meeting held on 30 August 2011 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.2 Extraordinary Meeting 13 September 2011

176 RESOLVED: Stewart/Saliba

That the Minutes of the Extraordinary Council Meeting held on 13 September 2011 as circulated be taken as read and confirmed as a correct record of proceedings with the following amendment:

That the word "Deputy" be added prior to the word "Mayor" in Item 6.2 (3) on page 5.

CARRIED UNANIMOUSLY

3. Apologies / Leave of Absence

Nil

4. Confidential Business (Committee of the Whole)

Nil

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5. Pecuniary Interest and Conflict of Interest Declarations

Nil

6. Condolences

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

Mrs Jean Rose-nee Hamilton	of	Albion Park
Mr Albert Rolet	of	Albion Park Rail
Mr George Thomson Waddell	of	Albion Park Rail
Mr Raymond Williams	of	Albion Park Rail
Mr Reinhard Sebastian (Ray) Zechmer	of	Albion Park Rail
Mr Albert (Bert) Walmsley	formerly of	Albion Park Rail
Mr Les Harris	formerly of	Albion Park Rail
Mrs Betty McKay	of	Barrack Heights
Mrs Marion McFarlane	of	Barrack Heights
Mrs Phyllis Jean Lawler	of	Barrack Heights
Mr Darryl Bronish	of	Blackbutt
Mr Noel Edgar Wallace	of	Blackbutt
Mr Paul Ernest Sterry	of	Blackbutt
Mrs Wendy Jean Rinaldi	of	Blackbutt
Mr Oliver Mark Scifleet	of	Flinders
Mr Doug Clark	of	Lake Illawarra
Mr Leonard Charles Quinn	of	Lake Illawarra
Mr Laurence Spain	of	Lake South
Mrs Betty Herbert	of	Oak Flats
Mr Garry John Marden	of	Oak Flats
Mr Joseph Klepczarek	of	Oak Flats

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Dr Kulasingam Sathiah	of	Oak Flats
Mr Jordan (John) Gigov	of	Shellharbour
Mrs Imelda Mary Williams	of	Warilla
Mr John William Dawson	of	Warilla
Mrs Norma Dawn Battle	of	Warilla
Mrs Yvonne Doris Connor	formerly of	Warilla

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

7. Addresses to Council

Agenda Item No & Title	Name
11.1.4 Election of Delegates to Council Committees and Outside Committees and Organisations	Sonya McKay
11.3.1 Requests for Donation	Sonya McKay

8. Mayor's Statements / Reports / Presentations

The Mayor stated that it was a great honour to preside over her first Ordinary meeting of the Council and thanked everyone for their support and best wishes. She also thanked the General Manager and Council staff for their efforts as well as the former Administrator David Jesson.

The Mayor noted that this was an exciting time in the City's history and that she was optimistic for the economic future of the City. She referred to various functions and events both herself and Councillors attended recently showcasing the achievements of small businesses within the City.

The Mayor stated that she was honoured and humbled to serve as Mayor and gave a commitment to sound governance and community consultation to meet the needs of the community.

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The Mayor encouraged residents to attend and become involved in Council meetings through Addresses to Council and noted that by listening and valuing each other that better decisions could be made for the City and community.

9. Councillors' Reports

Nil

10. Mayoral Minutes

Nil

11. Reports

11.1 General Manager

11.1.1 Role of the Mayor and Mayoral Delegations (9579461)

178 RESOLVED: Murray/Saliba

That Council formally acknowledge the statutory role of the Mayor and adopt the delegations as outlined in this report.

CARRIED UNANIMOUSLY

11.1.2 Mayoral Fee for 2011/2012 Period (9561441)

179 RESOLVED: Murray/Saliba

That the Council set the additional annual fee for the Mayor/Chairperson at \$36,320 for the 2011/12 period which is the maximum allowable within the range determined by the Remuneration Tribunal.

CARRIED UNANIMOUSLY

11.1.3 Fixing of Councillors' Annual Fees to be Paid to Councillors for the 2011/2012 Period (9561454)

180 RESOLVED: Murray/Saliba

That the Council set the annual fee for the Councillors at \$16,640 for the 2011/12 period which is the maximum allowable within the range determined by the Remuneration Tribunal.

CARRIED UNANIMOUSLY

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11.1.4 Election of Delegates to Council Committees and Outside Committees and Organisations (9578028)

181 RESOLVED: Rankin/Boyle

1. That Council determine the method of election of delegates to Council Committees, panels, working parties and outside committees and organisations.
2. That Council appoint delegates to Council Committees, panels, working parties and outside committees and organisations as detailed in this report.
3. That the Mayor is confirmed as an ex-officio delegate to all Council Advisory Committees and Working Parties.

CARRIED UNANIMOUSLY

182 RESOLVED: Moran/Stewart

That the method of election of Councillors to Council Committees and Outside Committees and Organisations be by a show of hands.

CARRIED UNANIMOUSLY

COUNCIL ADVISORY COMMITTEES

AUSTRALIA DAY/SPECIAL PROMOTIONS COMMITTEE

Delegates:

Mayor Councillor Kellie Marsh
Councillor Marianne Saliba
Councillor Paul Rankin
Councillor Helen Stewart

Alternate Delegate:

Nil

The Mayor declared the above-mentioned Councillors elected as the Delegates.

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SHELLHARBOUR ABORIGINAL ADVISORY COMMITTEE

Delegates:

Mayor Councillor Kellie Marsh
Councillor Peter Moran
Councillor John Murray
Councillor Helen Stewart

Alternate Delegate:

Nil

The Mayor declared the above-mentioned Councillors elected as the Delegates.

DISABILITIES SERVICES ADVISORY COMMITTEE

Delegates:

Councillor Marianne Saliba
Councillor Peter Moran
Councillor Helen Stewart

Alternate Delegate:

Nil

The Mayor declared the above-mentioned Councillors elected as the Delegates.

ILLAWARRA REGIONAL AIRPORT MANAGEMENT ADVISORY COMMITTEE

Delegates:

Councillor John Murray (Mayor's delegate)
General Manager (or delegate)

The Mayor declared the above-mentioned Councillor elected as the Delegate.

COUNCIL GOVERNANCE PANELS

SHELLHARBOUR CITY COUNCIL GOVERNANCE, RISK & AUDIT COMMITTEE

Council Representatives:

Mayor (ex-officio as observer only)
Councillor Peter Moran

The Mayor declared the above-mentioned Councillor elected as the Delegate.

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GENERAL MANAGER'S PERFORMANCE REVIEW PANEL

Councillor Marianne Saliba nominated Councillor John Murray as Council Representative.

Councillor Helen Stewart nominated Councillor Paul Rankin as Council Representative.

The Mayor conducted a vote by show of hands:

Councillor John Murray (4)
Councillor Paul Rankin (3)

The Mayor declared the following Councillors elected as the Council Representatives:

Council Representatives:

Mayor (Councillor Kellie Marsh)
Deputy Mayor (Councillor Marianne Saliba)
Councillor John Murray
Councillor (chosen by the General Manager)

Alternate Representative:

Councillor Paul Rankin

Note: The General Manager indicated that he had chosen not to exercise the option of choosing a council representative at this stage, however he reserved the right to do so in the future.

CONDUCT REVIEW COMMITTEE

Council Members:

Mayor (Councillor Kellie Marsh)
General Manager

The Mayor confirmed the above-mentioned Delegates to the Conduct Review Committee.

WESTPOOL / UNITED INDEPENDENT POOLS (UIP) BOARD(S)

Council Representatives:

Mayor (Councillor Kellie Marsh)
General Manager

Alternate Representative:

Councillor Marianne Saliba

The Mayor confirmed the above-mentioned delegates to the Westpool/United Independent Pools (UIP) Board(s).

MISCELLANEOUS COUNCIL COMMITTEES EXTERNAL

**SHELLHARBOUR TRAFFIC COMMITTEE & COUNCIL DEVELOPMENT
ADVISORY COMMITTEE (CDAC)**

Delegate:

Councillor Helen Stewart

Alternate Delegate:

Councillor Paul Rankin

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**ELLIOTT LAKE - LITTLE LAKE FLOODPLAIN MANAGEMENT
COMMITTEE**

Delegates:

Mayor (ex-officio)

Councillor David Boyle

Alternate Delegate:

Councillor Peter Moran

The Mayor declared the above-mentioned Councillors elected as the Delegates.

HORSLEY CREEK FLOODPLAIN MANAGEMENT COMMITTEE

Delegates:

Mayor (ex-officio)

Councillor Peter Moran

Alternate Delegate:

Councillor Paul Rankin

The Mayor declared the above-mentioned Councillors elected as the Delegates.

MACQUARIE RIVULET FLOODPLAIN MANAGEMENT COMMITTEE

Delegates:

Mayor (ex-officio)

Councillor Peter Moran

Alternate Delegate:

Councillor Paul Rankin

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The Mayor declared the above-mentioned Councillors elected as the Delegates.

WORKING PARTIES

SPORTS & RECREATION WORKING PARTY

Appointments deferred pending an opportunity for Councillors to review the purpose and functions of this working party in a report to Council.

ILLAWARRA REGIONAL AIRPORT OPERATIONS WORKING PARTY

Councillor Representatives:

Councillor Marianne Saliba
Councillor Peter Moran
Councillor John Murray
Councillor Helen Stewart

The Mayor declared the above-mentioned Councillors elected as the Delegates.

DELEGATES TO OUTSIDE COMMITTEES AND ORGANISATIONS

TOURISM SHELLHARBOUR MANAGEMENT BOARD

Council Delegates:

Mayor (Councillor Kellie Marsh)
General Manager (or his representative)

Alternate Delegate:

Councillor David Boyle

The Mayor declared the above-mentioned Councillors elected as the Delegates.

ILLAWARRA BUSHFIRE MANAGEMENT COMMITTEE

Council Delegate:

Councillor Peter Moran

Alternate Delegate:

Councillor Paul Rankin

The Mayor declared the above-mentioned Councillors elected as the Delegates.

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**SHELLHARBOUR RURAL FIRE SERVICE LIAISON COMMITTEE -
SERVICE LEVEL AGREEMENT**

Council Delegate:

Councillor Peter Moran

Alternate Delegate:

Councillor Paul Rankin

The Mayor declared the above-mentioned Councillors elected as the Delegates.

ILLAWARRA COMMUNITY HOUSING TRUST BOARD OF DIRECTORS

Council Delegate:

Councillor Marianne Saliba

Alternate Delegate:

Councillor Helen Stewart

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**ILLAWARRA REGIONAL INFORMATION SERVICE (IRIS)
MANAGEMENT BOARD**

Council Delegate:

Mayor Councillor Kellie Marsh

Alternate Delegate:

Councillor John Murray

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**SHELLHARBOUR CITY SPORTS ASSISTANCE FUND MANAGEMENT
COMMITTEE**

Council Delegates:

Councillor David Boyle

Councillor Paul Rankin

Councillor Helen Stewart

The Mayor declared the above-mentioned Councillors elected as the Delegates.

SOUTHERN COUNCILS GROUP (SCG) BOARD

Council Delegates:

Mayor (Councillor Kellie Marsh)

Deputy Mayor (Councillor Marianne Saliba)

The Mayor declared the above-mentioned Councillors elected as the Delegates.

HEALTHY CITIES ILLAWARRA MANAGEMENT COMMITTEE

Council Delegates:

Mayor Councillor Kellie Marsh

Manager Community Development

Alternate Delegate:

Councillor Marianne Saliba

The Mayor declared the above-mentioned Councillors elected as the Delegates.

ILLAWARRA ITEC BOARD OF DIRECTORS

Council Delegate:

Councillor Paul Rankin

The Mayor declared the above-mentioned Councillor elected as the Delegate.

ILLAWARRA DISTRICT NOXIOUS WEEDS AUTHORITY

Council Delegate:

General Manager's Delegate

The General Manager will appoint a staff member as his Delegate to the Authority.

LAKE ILLAWARRA FLOODPLAIN MANAGEMENT COMMITTEE

Council Delegate:

Mayor (Councillor Kellie Marsh)

Alternate Delegate:

Councillor Peter Moran

The Mayor declared the above-mentioned Councillors elected as the Delegates.

SOUTHERN REGION JOINT PLANNING PANEL

Council Delegate:

Mayor (Councillor Kellie Marsh)

Alternate Delegate:

Councillor John Murray

The Mayor declared the above-mentioned Councillors elected as the Delegates.

SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY EXECUTIVE COMMITTEE

Council Delegate:

Mayor Councillor Kellie Marsh

Alternate Delegate:

Councillor Helen Stewart

The Mayor declared the above-mentioned Councillors elected as the Delegates.

MINISTERIAL APPOINTMENTS

TRUSTEES OF THE KILLALEA STATE PARK

The appointment of the Councillor nominee deferred until advice received from Crown Lands Division.

LAKE ILLAWARRA AUTHORITY

Three Councillor nominees:

Councillor Marianne Saliba

Councillor David Boyle

Councillor Helen Stewart

The Mayor declared the above-mentioned Councillors elected as the Nominees.

REGIONAL DEVELOPMENT AUSTRALIA

Council Delegates:

Director Shellharbour Enterprises

WCC Representative

KMC Representative

No Councillor delegate needed to this committee.

MAYORAL APPOINTMENT

ILLAWARRA ACADEMY OF SPORT

Council Representative:

Mayor (or Mayor's representative)

This is a Mayoral appointment.

11.1.5 Local Government Association of NSW Annual Conference: 23-26 October 2011, hosted by Shoalhaven City Council (9535750)

183 RESOLVED: Stewart/Rankin

1. That Council nominate its four voting delegates to the 2011 Local Government Association of NSW Annual Conference.
2. That any other Councillor who wishes to attend the Conference as a non-voting delegate, advise the General Manager's office no later than Friday 30 September 2011.

CARRIED UNANIMOUSLY

184 RESOLVED: Stewart/Rankin

That the four voting delegates to the 2011 Local Government Association of NSW Annual Conference be:

Mayor Councillor Kellie Marsh
Councillor Marianne Saliba
Councillor Helen Stewart
One vacancy

CARRIED UNANIMOUSLY

11.1.6 Policy Review: Internal Reporting (Public Interest Disclosures) Policy (9572971)

185 RESOLVED: Saliba/Rankin

Council adopt the Internal Reporting (Public Interest Disclosure) Policy

CARRIED UNANIMOUSLY

11.1.7 Disclosure of Interest Returns 1 July 2010 - 30 June 2011 (9552372)

186 RESOLVED: Murray/Stewart

1. That the names and positions set out in this report be identified as the designated persons for the lodgement of Disclosure of Interest Forms for Shellharbour City Council, for the period 1 July 2009 to 30 June 2010.
2. That Council note the tabling of the register of returns.

CARRIED UNANIMOUSLY

11.1.8 Monthly Investment Report (9574505)

187 RESOLVED: Saliba/Rankin

That Council receive and note the attached Investment Portfolio reports, as at 31 August 2011.

CARRIED UNANIMOUSLY

11.2 City Outcomes Directorate

11.2.1 Tender 2011/49 - Operation of Transfer Station and/or Resource Recovery Centre at Dunmore Recycling & Waste Disposal Depot (9577174)

188 RESOLVED: Murray/Saliba

1. That in accordance with Section 178 of the *Local Government (General) Regulation (2005)*, Council resolves to:
 - a. enter into a contract with Mission Australia for the services required under Part A of Tender Document 2011/49 for an initial term of twenty months commencing on 1 November 2011 at the tendered rates.
 - b. decline to accept any tenders for Parts A and B combined and carry out the services required under Part B of Tender Document 2011/49 itself.
2. Delegate to the Director Corporate Policy the authority to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.

CARRIED UNANIMOUSLY

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11.2.2 Allocation of Old Section 94 Funds toward a Community Transport Bus Depot (9577358)

189 RESOLVED: Saliba/Murray

That \$232,763 of Old Section 94 funds be allocated toward the construction of a community transport bus depot at Albion Park Showground.

CARRIED UNANIMOUSLY

11.3 Corporate Policy Directorate

11.3.1 Requests for Donation (9549536)

190 RESOLVED: Saliba/Boyle

1. That Council make the following donations/contributions totalling \$3,690.52:

- | | | |
|----|--|------------|
| 1. | Koori Elders Social Group
- Costs associated with attendance at Koori Mini-Olympics | \$500.00 |
| 2. | Combined Pensioner Association
- Christmas lunch for local members | \$350.00 |
| 3. | Fairness in Child Support
- Hall hire and stationery needs | \$200.00 |
| 4. | Shellharbour Hospital Auxilliary
- Towards purchase of electric beds | \$1,000.00 |
| 5. | Illawarra Dragon Boat Club
- Towards purchase of life jackets and course for Albion Park High School students | \$880.00 |
| 6. | Shellharbour Festival of Sport - Sports Expo
- Reimbursement of costs for use of Shellharbour Stadium for Sports Expo held in March | \$760.52 |

CARRIED UNANIMOUSLY

11.3.2 City Park, Minga Avenue, Shellharbour City Centre: Proposed Licence Agreement with Craft Warehouse Pty Ltd Trading As Jetts Fitness Shellharbour (9568563)

191 RESOLVED: Saliba/Rankin

That this item be deferred for further report to Council.

CARRIED UNANIMOUSLY

11.3.3 Draft Policy: Use of Public Reserves by Commercial Fitness Groups & Personal Trainers (9569041)

192 RESOLVED: Moran/Saliba

1. That Council publicly exhibit the Draft Use of Public Reserves by Commercial Fitness Groups & Personal Trainers Policy for a period of 28 days and seek public submissions in that period for consideration.
2. That Council receive a further report on any submissions received, before determining whether to formally adopt the policy.

CARRIED UNANIMOUSLY

11.4 Shellharbour Enterprises Directorate

Nil

12. Committee Recommendations

12.1 Meeting Notes from the Disabilities Services Advisory Committee Meeting held 31 August 2011 - held without quorum

193 RESOLVED: Stewart/Saliba

That the Meeting Notes from the Disabilities Services Advisory Committee Meeting held of 31 August 2011 be received and noted.

CARRIED UNANIMOUSLY

12.1 Recommendations from the Traffic Committee Meeting held 7 September 2011 recommended for adoption

194 RESOLVED: Stewart/Rankin

That the Recommendations from the Traffic Committee Meeting held of 7 September 2011 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

Nil

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

Nil

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

Note: Cr Stewart asked the Mayor if she could raise an item in the agenda relating to the Councillor Inductions. The Mayor agreed on this occasion as it related to the recent inductions undertaken by Councillors.

195 RESOLVED: Stewart/Saliba

That the General Manager write to Stephen Blackadder thanking him for the training provided to Councillors.

CARRIED UNANIMOUSLY

The General Manager confirmed that he had already forwarded a letter of thanks to Mr Blackadder.

17. Urgent Business

Nil

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18. Committee of the Whole in Closed Session: Adjournment

Nil

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

Nil

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

Nil

Meeting closed 7.43 pm