

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 18 December 2007 commencing at 5.40 pm**

Present

His Worship the Mayor	Councillor D Hamilton
A Ward	Councillor M Greig Councillor T Hawker (part)
B Ward	Councillor H Stewart Councillor C Jeffreys (part – arrived 7.15 pm)
C Ward	Councillor J Bailey Councillor D Briggs
D Ward	Councillor J Leedham Councillor T Hore
E Ward	Councillor C Mifsud Councillor G Rose
F Ward	Councillor B Bird Councillor H Gillett

In attendance

General Manager	B A Weir
Director of Operations & Services	A Webster
Director of Community Planning & Strategies	P O'Rourke
Director Shell Cove Business Unit	P Woodcock
Group Manager Community Services & Devel.	L Campbell (part)
Group Manager Corporate Services	T Gearon
Group Manager Works & Services	C Watt
Group Manager Customer & Env. Services	G Standen
Group Manager Development & Tech Services	M Boenisch
Group Manager Corporate Planning	P Masterson
Group Manager Organisational Development	B Rose
Group Manager Planning Services	G Hoynes
Corporate Solicitor – Manager Legal & Property Services	B McCann
Manager Financial Services	P Henderson
Manager Development Services	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker (part)
Public Relations Officer	A Baltovska (part)
Executive Assistant	L Davey

Acknowledgement to Country

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting.

(See Minute No.4 of 26 February 2008 Meeting Minutes for additional notes on this meeting).

1. Apologies / Leave of Absence

Ordinary Council Meeting

An apology was tendered on behalf of Councillor Hawker and Councillor Jeffreys for the commencement of the Ordinary Council Meeting only.

Committee of the Whole Council Meeting

An apology was tendered on behalf of Councillor Hawker and Councillor Jeffreys

647 RESOLVED: Briggs/Greig. That the apologies as tendered be accepted.

2. Confidential Business (Committee of the Whole)

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.

CONFIDENTIAL ITEMS

2.1 Discontinuation of Court Action against Mr Leon Cicolini (8839716)

Reason for Confidentiality

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

- (e) information that would, if disclosed, prejudice the maintenance of law and
- (g) legal professional privilege.

It is normal procedure for Council to discuss legal proceedings in Confidential session so as not to prejudice Council's legal position.

2.2 Discontinuation of Court Action Against Mr Peter Moran (8839719)

Reason for Confidentiality

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

- (e) information that would, if disclosed, prejudice the maintenance of law and
- (g) legal professional privilege.

It is normal procedure for Council to discuss legal proceedings in Confidential session so as not to prejudice Council's legal position.

2.3 Tenders for the Collection of Waste and Recoverable Resources and/or the Processing of Recyclables (8839912)

Reason for Confidentiality

This item is classified as CONFIDENTIAL under the provisions of Section 10A(2)(d) 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

Tender prices should they be revealed, may create a commercial disadvantage to parties involved in the tendering process. Information provided by tenderers including their pricing is commercial in confidence.

It is not in the public interest to reveal details of the tender assessment.

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648 RESOLVED: Greig/Bird

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)(d)(i), (e) & (g) 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 5.42 pm

Meeting resumed at 7.17 pm

Councillor Hawker and Councillor Jeffreys were in attendance.

3. Recommendations from Committee of the Whole

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

2.1 Discontinuation of Court Action against Mr Leon Cicolini (8839716)

COMMITTEE RECOMMENDATION:

That Council pay Mr Cicolini's reasonable costs for the sum as outlined in this report and authorise final settlement in the terms of the Council's resolution of 3 December 2007.

Further that the General Manager investigate whether there is a reasonable prospect of Council recouping all or part of these costs from other sources.

2.2 Discontinuation of Court Action Against Mr Peter Moran (8839719)

COMMITTEE RECOMMENDATION:

That Council offer to pay the sum as resolved by Committee of the Whole and in full and final settlement of Mr Peter Moran's costs conditional upon a non-disclosure clause being part of the settlement.

649 RESOLVED: Greig/Hawker That Council adopt the recommendations from the Committee of the Whole as read to the Meeting by the General Manager.

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Jeffreys, Cr Briggs, Cr Bailey, Cr Leedham, Cr Hore, Cr Mifsud, Cr Rose, Cr Bird, Cr Gillett
PRESENT. DID NOT VOTE - Cr Stewart

2.3 Tenders for the Collection of Waste and Recoverable Resources and/or the Processing of Recyclables (8839912)

Deferred for further consideration in Confidential Session at the conclusion of this Council Meeting (see Minute No 694).

4. Confirmation of Minutes

4.1 Extraordinary Meeting 20 November 2007

650 RESOLVED: Briggs/Hore That the Minutes of the Extraordinary Council Meeting held on 20 November 2007 be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

4.2 Committee of the Whole Extraordinary Meeting 20 November 2007

Councillor Bird asked that this Item be deferred for further consideration in Confidential Session at the conclusion of this Council Meeting (see Minute No 694).

4.3 Extraordinary Meeting 3 December 2007

651 RESOLVED: Bird/Gillett That the Minutes of the Extraordinary Council Meeting held on 3 December 2007 be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

4.4 Committee of the Whole Extraordinary Meeting 3 December 2007

652 RESOLVED: Briggs/Gillett That the Minutes of the Committee of the Whole Extraordinary Council Meeting held on 3 December 2007 be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

4.5 Ordinary Meeting 4 December 2007

653 RESOLVED: Briggs/Hawker That the Minutes of the Ordinary Council Meeting held on 4 December 2007 be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

4.6 Committee of the Whole Meeting 4 December 2007

654 RESOLVED: Briggs/Hawker That the Minutes of the Committee of the Whole Council Meeting held on 4 December be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

5. Pecuniary Interest

Note: Councillors who declare a Pecuniary Interest at the Council Meeting are also required to complete a Pecuniary Interest Declaration form.

Councillor Hore: Item 11.9 Requests for Donation

Nature of Interest: Councillor Hore's wife is a member of Lake Illawarra South Primary School P & C

Councillor Bird: Item 8.1 Killalea – Recognition as National Surfing Reserve

Nature of Interest: Councillor Bird is a representative on the Killalea State Park Trust.

Councillor Briggs: Item 16.1 Notice of Motion Submitted by Councillors Hawker, Greig and Leedham

Nature of Interest: Councillor Briggs is a personal friend of Mr Cicolini

Councillor Stewart: Item 16.1 Notice of Motion Submitted by Councillors Hawker, Greig and Leedham

Nature of Interest: Councillor Stewart is a party to the Land & Environment Court proceedings

Councillor Rose: Item 16.1 Notice of Motion Submitted by Councillors Hawker, Greig and Leedham

Nature of Interest: Councillor Rose is a party to the Land & Environment Court proceedings

6. Condolences

The Mayor read details of the following deaths in the Local Government area.

Mr Jonothan Musto	of	Albion Park
Mr Anthony Cornelius (Tony)	formerly of	Albion Park
Mrs Wilhelmina Van den Brand	of	Albion Park
Mr Elwyn Richard Morgan	of	Barrack Heights
Mrs Grace Elizabeth Reeves	of	Barrack Heights
Mrs Clare Janssens	of	Barrack Heights
Mr Peter John Bettson	of	Barrack Point
Mr John Heddles	of	Flinders
Mr Thomas Harold (Tom) Wilkinson	of	Oak Flats
Mr Robert Stanley Smith	of	Shellharbour
Mrs Daphne Flynn	of	Warilla
Mrs Elizabeth Szeles	formerly of	Warilla

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

7. Presentations

Nil

8. Mayoral Minutes

8.1 Killalea - Recognition as National Surfing Reserve (8839727)

Note: Councillor Bird declared an interest in Item 8.1 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

656 RESOLVED: Jeffreys/Gillett

That Council endorse the Mayor's actions in sending a letter in support of the local steering committee's application to the National Surfing Reserves Committee for Killalea to be recognised as a National Surfing Reserve.

Further that a letter be sent to the National Surfing Reserves Committee advising of Council's resolution of endorsement and confirming its support.

CARRIED UNANIMOUSLY
ABSENT. DID NOT VOTE - Cr Bird

Councillor Bird here returned to the Chamber.

9. Councillors' Reports

9.1 16th NSW Coastal Conference, Yamba, 7-9 November (8839663)

657 RESOLVED: Bird/Jeffreys

That the report be received and noted.

CARRIED UNANIMOUSLY

10. General Manager's Office

Nil

11. Operations & Services Division

11.1 DA No. 429/2007 - Lot 21, DP 653009, 44 Buckleys Road, Dunmore - Telecommunications Facility (8834619)

658 RESOLVED: Gillett/Bird

That the Council approve Development Application No. 429/2007 for a telecommunications facility at Lot 21, DP 653009, 44 Buckleys Road, Dunmore, under Section 80 of the *Environmental Planning & Assessment Act 1979* subject to the 27 conditions immediately following the conclusions of this report.

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Briggs, Cr Mifsud, Cr Rose, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys
AGAINST VOTE - Cr Bailey, Cr Stewart

11.2 DA No. 396/2007 - Lot 9, DP 243894, 50 Bass Street, Barrack Heights - Alterations & Additions to Existing Dwelling for Future Use as a Group Home (8837254)

Cr Hore here left the Chamber.

659 RESOLVED: Jeffreys/Greig

1. That the Council seek concurrence of the NSW Department of Commerce to the imposition of the Conditions following the conclusion pursuant to the provisions of Section 116C of the *Environmental Planning & Assessment Act, 1979*, as amended.
2. That upon receipt of acceptance of the conditions by the NSW Department of Commerce, the Council grant delegated authority to the General Manager to determine Development Application No. 396/2007 for the proposed alterations and additions to the dwelling at Lot 9, DP 243894, 50 Bass Street, Barrack Heights under Section 80 of the *Environmental Planning and Assessment Act, 1979*, as amended.
3. That following consultation with the NSW Department of Commerce, should the General Manager consider any variation sought to the conditions is warranted, that delegation be granted to make those variations.
4. That objectors be notified:
 - a. that in accordance with the provisions of SEPP 9 Council cannot determine the application with regard to the future use as a group home
 - b. of the Department of Commerce's advice regarding the intended use of the premises.

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Briggs, Cr Bailey, Cr Gillett, Cr Bird, Cr Leedham, Cr Jeffreys, Cr Stewart
AGAINST VOTE - Cr Mifsud, Cr Rose
ABSENT. DID NOT VOTE - Cr Hore

Cr Hore here returned to the Chamber.

11.3 Council Representatives - Formation of Floodplain Risk Management Committee for Macquarie Rivulet Catchment (8838342)

660 RESOLVED: Bailey/Bird

That the Council consider the election of Councillor representatives (1 - 3) on the committee and that a nomination and election process take place.

CARRIED UNANIMOUSLY

Councillor Bird nominated as representatives:

Councillor Greig
Councillor Hawker

Councillor Leedham

Councillor Bailey nominated as a representative:

Councillor Stewart

The General Manager conducted a vote by show of hands.

The Mayor declared the following Councillors elected as the Representatives:

Councillor Representatives:

Councillor Greig
Councillor Hawker
Councillor Leedham

Councillor Jeffreys drew the Mayor's attention to the level of interjection coming from the Gallery.

Councillor Stewart made comments that this was a blatant political move considering Macquarie Rivulet runs through Ward B.

Councillor Greig and Councillor Hawker MOVED a POINT of ORDER against Councillor Stewart and stated that Macquarie Rivulet also runs through Ward A.

MOTION: Briggs/Hawker

That an alternate delegate also be elected.

Councillor Stewart stated that she would decline the nomination. The Motion was withdrawn.

11.4 Request for Additional Surf Patrol at Warilla Beach (8836343)

661 RESOLVED: Hore/Briggs

That the Council approve the provision of an additional surf patrol at the southern end of Warilla Beach over the summer holiday period from 22 December 2007 to 3 February 2008 at a cost of \$16,000. Further that this item be funded from the current reserves in the 2007/2008 budget and that the current deficit be increased accordingly.

CARRIED UNANIMOUSLY

11.5 Stores and Material Stocktake (8836819)

662 RESOLVED: Hawker/Bailey

That the appropriate journal entries be prepared to record in the Stores & Materials Ledger and the General Ledgers the net write-on of stock of \$721.62.

CARRIED UNANIMOUSLY

11.6 Stores LTA Stocktake (8836800)

663 RESOLVED: Hawker/Bailey

That the appropriate journal entries be prepared to record in the Stores LTA Ledger and General Ledgers the write-off of stock to the value of \$1,169.39.

CARRIED UNANIMOUSLY

11.7 Shell Cove Stage 7C Road Naming (8838282)

664 RESOLVED: Briggs/Mifsud

That the following road name be adopted for the public road to be created in the Stage 7C estate at Shell Cove:

Hook Close

CARRIED UNANIMOUSLY

11.8 Submissions to the Local Government Remuneration Tribunal (8836495)

665 RESOLVED: Briggs/Jeffreys

That Council determine whether it wishes to make any submissions to the Tribunal and, if so, provide direction on those submissions to the General Manager for consideration.

CARRIED UNANIMOUSLY

11.9 Requests for Donation (8836440)

Note: Councillor Hore declared an interest in Item 11.9 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

666 RESOLVED: Hawker/Briggs

1. That Council resolve to donate the following contributions totalling \$950:
 1. Combined Pensioners Association
 2. Roo Theatre Company
 3. Illawarra Rose Society Annual Show
2. That the following groups receive fee reduction at Dunmore Recycling and Waste Depot:
 1. Shellharbour City Centre Anglican Church be granted the free tipping of green waste to the value of \$200.

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2. St Vincent De Paul Society be granted an exemption from tipping fees for waste dumped at charity bins up to the value of \$3,000.
3. That the following groups be recipients of proceeds from the Australia Day Breakfast by the Lake 2007, Cash for City Charities:
 1. Illawarra Cadet Division St John Ambulance Australia
 2. Lake Illawarra Police Community Youth Club
 3. The Rotary Club of Shellharbour City Inc.
 4. St Vincent De Paul Society (Oak Flats)
 5. Australian Irish Welfare Bureau & Resource Centre
 6. Dunmore Rural Fire Service
 7. Lake Illawarra South Primary School P&C Breakfast Club
 8. Nutrition Australia NSW (Oak Flats)
 9. An electric bed for Shellharbour Hospital as requested by Shellharbour Hospital Auxiliary & The Lions Club of Oak Flats

CARRIED UNANIMOUSLY
ABSENT. DID NOT VOTE - Cr Hore

Councillor Hore here returned to the Chamber.

11.10 Request for Easement over Community Land - Lot 2 DP 521022 Station Road, Albion Park Rail, for drainage purposes (8838527)

667 RESOLVED: Bird/Gillett

1. That Council grant approval to proceed with public consultation as detailed in Section 47 of the *Local Government Act 1993*, for the proposal to grant an easement for stormwater drainage over part Lot 2 DP 521022 Station Road, Albion Park Rail.
2. That the matter be reported back to Council at the conclusion of the public consultation stage.

CARRIED UNANIMOUSLY

11.11 Community Land Plan of Management - Lot 2 DP 543320 Rowland Avenue, Mt Warrigal (8838428)

668 RESOLVED: Hawker/Briggs

That the item be deferred for a full report to Council in relation to aged care for residents of Shellharbour City.

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Briggs, Cr Bailey, Cr Mifsud, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys, Cr Stewart
AGAINST VOTE - Cr Rose

11.12 Affixing of the Council Seal to the Plan of Subdivision for Captain Cook Drive, Barrack Heights (8832943)

669 RESOLVED: Briggs/Bailey

That Council resolve to affix the Seal of Council to the Plan of Subdivision for that part of Captain Cook Drive for the purpose of dedicating the relevant section as public road and the residue area (Lot 32) retain an operational classification.

CARRIED UNANIMOUSLY

11.13 Mobile Telecommunications Facility - Commercial Agreement (8836466)

670 RESOLVED: Bird/Gillett

1. That Council enter into a lease with Telstra for the installation of a telecommunications facility on Lot 21, DP 653009 as shown on the attached plan, for a term of five (5) years annual rental of \$10,000.00 plus GST with 5% annual rental increases.
2. That Council's Mayor and General Manager be authorised to sign any documentation and Affix the Seal of Council to any documentation associated with the lease.

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Briggs, Cr Bailey, Cr Mifsud, Cr Rose, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys
ABSTENTION - Cr Stewart

11.14 Intention to Lease unused Road Reserve 91 Bridge Avenue, Oak Flats (8838806)

671 RESOLVED: Greig/Leedham

1. That following successful negotiations with the adjoining property owner and confirmation being received to proceed, Council enter into a lease involving approximately 50 m² of part of the unused road reserve adjoining 91 Bridge Avenue, Oak Flats (see attachment) to Mr C Pearson for a period of five (5) years at the established prevailing rental of \$130.00 plus GST per annum with all terms and conditions to be consistent with existing leases of Council roads.
2. That the Mayor and General Manager be authorised to affix the Seal of Council and sign any documentation associated with the lease agreement following completion of negotiations with the relevant owner.

CARRIED UNANIMOUSLY

11.15 Lease of unused Road Reserve 93 Bridge Avenue, Oak Flats (8837023)

Cr Briggs here left the Chamber.

672 RESOLVED: Greig/Leedham

1. That Council approve the lease of approximately 100 m² of part of the unused road reserve adjoining 93 Bridge Avenue, Oak Flats (see attachment) to Mr Mathew Caddick and Mrs Lee-anne Caddick for a period of five (5) years at a rental of \$260.00 plus GST per annum with all terms and conditions to be consistent with existing leases of Council roads.
2. That the Mayor and General Manager be authorised to affix the Seal of Council and sign any documentation associated with the lease agreement.

CARRIED UNANIMOUSLY
ABSENT. DID NOT VOTE - Cr Briggs

Cr Briggs here returned to the Chamber

12. Community Planning & Strategies Division

12.1 Proposed changes to Section 94 and Planning Reforms (8838023)

673 RESOLVED: Hawker/Bailey

That this report be received and noted and Council authorise the General Manager, following consultation with the Mayor, to prepare responses to the proposed planning changes to Section 94 and the other proposed amendments on Council's behalf.

CARRIED UNANIMOUSLY

Note

Councillor Greig asked the Mayor about the protocol regarding Councillors walking out of the Chamber without asking to be excused.

The Mayor stated that any Councillors wishing to leave the Chamber should ask to be excused.

12.2 Draft Amendment to Woodlands Development Control Plan (Amendment 2) (8835111)

674 RESOLVED: Gillett/Bird

That Council

1. In accordance with Section 74C of the *Environmental Planning & Assessment Act*, resolve to prepare draft Woodlands Development Control Plan Amendment 2.
2. Resolve to exhibit the draft Development Control Plan for a minimum of 28 days.
3. Require a report after the exhibition period has closed that includes a summary of submissions received and issues raised.

CARRIED UNANIMOUSLY

12.3 Rezoning Application - Illawarra International Health Precinct - Lot 81 DP 634605 - Tullimbar Lane, Tullimbar (8834867)

MOTION: Rose/Mifsud

That Council, in accordance with Sections 54 and 57 of the Environmental Planning and Assessment Act resolve to prepare a local environmental plan and local environmental study for Lot 81 DP 634605 to allow development of the lot for the purposes of:

- 350 bed tertiary referral hospital
- 280 bed aged care facility including separate facilities for youth needed care
- School of aged care
- Surgical and day procedure centre
- 24 hour medical centre and extended hour pharmacy
- School of pharmacy research
- Pathology and Radiology centres
- School of general practice, casualty and obstetrics
- Dedicated ambulance station
- Serviced apartments for relatives of patients, education and convention centre and sporting facilities

Councillor Greig FORESHADOWED a MOTION :

That this item be deferred for Councillors to have a briefing with Council Officers regarding the application in early February and that the matter be reported back to Council at its meeting in February.

The MOTION on being PUT to the Meeting was LOST 4/9

FOR VOTE - Cr Bailey, Cr Mifsud, Cr Rose, Cr Jeffreys

AGAINST VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Briggs, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Stewart

Cr Jeffreys here left the Chamber.

675 The FORESHADOWED MOTION then became the MOTION and was seconded by Councillor Briggs and on being put to the meeting was CARRIED 9/3

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Briggs, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Stewart

AGAINST VOTE - Cr Bailey, Cr Mifsud, Cr Rose

ABSENT. DID NOT VOTE - Cr Jeffreys

12.4 Adopt new fee 2008 Warilla Child Care Centre (8824305)

676 RESOLVED: Rose/Bailey

That Council adopts the daily fee of \$50.00 per day from January 7th 2008 at Warilla Child Care Centre.

CARRIED UNANIMOUSLY

ABSENT. DID NOT VOTE - Cr Jeffreys

Cr Jeffreys here returned to the Chamber

13. Shell Cove Business Division

Nil

14. Committee Recommendations

14.1 Recommendations from the Traffic Committee Meeting held 5 December 2007 recommended for adoption.

677 RESOLVED: Greig/Leedham

That the Recommendations from the Traffic Committee Meeting held 5 December 2007 be adopted.

CARRIED UNANIMOUSLY

15. Notices of Rescission Motion

Nil

16. Notices of Motion

16.1 Notice of Motion Submitted by Councillors Hawker, Greig and Leedham (8839924)

Note: Councillor Briggs, Councillor Stewart and Councillor Rose declared an interest in Item 16.1 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

MOTION: Hawker/Greig

1. That the proceedings in the Land and Environment Court be withdrawn in regards to Councillors Rose and Stewart.
2. That Councillors Rose and Stewart and any other Councillor who is being investigated, regardless of the nature, be referred to the Code of Conduct Committee.

Mr Peter Moran and Mr Bernie Payne interjected from the public gallery during debate and warnings were given by the Mayor.

Councillor Jeffreys MOVED that Mr Moran be removed from the Gallery. The Mayor three times warned the Gallery that persons would be removed from the Gallery if disruption and interjection continued.

Councillor Gillett MOVED a POINT of ORDER against Cr Mifsud for accusing her of smiling at his comments during debate.

Councillor Leedham MOVED a POINT of ORDER against Councillor Jeffreys for revealing confidential information during debate.

The Mayor warned Councillor Jeffreys to refrain from making such comments.

Councillor Jeffreys apologised for making the comment.

A woman yelled abuse and bad language from the public gallery and left the Chamber.

MOTION: Bird/Jeffreys That the woman who yelled abuse from the public gallery be removed.

The woman returned to the Chamber shortly after and provided an apology and the motion was withdrawn.

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678 The MOTION on being PUT to the Meeting was declared LOST 2/8

FOR VOTE - Cr Bailey, Cr Mifsud

AGAINST VOTE - Cr Hamilton, Cr Gillett, Cr Bird, Cr Hore, Cr Jeffreys

ABSTENTION - Cr Greig, Cr Hawker, Cr Leedham

ABSENT. DID NOT VOTE - Cr Briggs, Cr Rose, Cr Stewart

Councillor Briggs, Councillor Rose and Councillor Stewart here returned to the Chamber.

Comments were made by Mr Moran from the Gallery. Mr Moran continued and was asked by the Mayor to excuse himself from the meeting. Mr Payne also made comments from the Gallery and left the Chamber.

679 RESOLVED: Greig/Jeffreys

1. That if any member of the Public Gallery makes animal noises or makes disrespectful or abusive comments from the Public Gallery that they be asked to leave the Chamber.
2. That due to the attitude and vitriol expressed by Mr Peter Moran and Mr Bernie Payne as they left the Chamber, that they be banned from attending one Council meeting and that they provide a verbal apology to the Council at an open Council Meeting and that they give their assurances that they will abide by Council's Code of Meeting Practice in the future. **Amended as per Min No.4 of 26 Feb 2008**
3. That a letter be forwarded to Mr Peter Moran and Mr Bernie Payne informing them of Council's decision.

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys

AGAINST VOTE - Cr Bailey, Cr Mifsud

ABSTENTION - Cr Briggs, Cr Rose, Cr Stewart

17. Items for Information

17.1 Regional Waste & Resource Recovery Management System Industry Inquiry (8837569)

17.2 Donation to Library Service for Collections (8835676)

17.3 Summer Library Events (8835450)

17.4 Shellharbour City Community Safety & Crime Prevention Plan 2007-2010 endorsed by the NSW Attorney General (8838304)

17.5 Investments (8839168)

680 RESOLVED: Hawker/Briggs

That Council receive and note the items for information.

CARRIED UNANIMOUSLY

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The Mayor informed Council that the Group Manager Community Services & Development and the Manager Media & Communications were leaving Council and on behalf of Council thanked them for their efforts and wished them the best in their future endeavours.

Councillor Greig extended a thank you on behalf of herself and fellow Councillors to staff who have worked very hard throughout the year and acknowledged their professionalism.

18. Questions without Notice

681 Councillor Stewart enquired of the Mayor whether Council was setting a precedent in handing out fliers for the Angels of Hope Race Day and if Council would support the Shellharbour Race Day as well. ***Amended as per Minute No.4 of 26 February 2008***

682 Councillor Stewart asked the Mayor if Council's table at the Sarah Turk Fundraiser was funded by Council.

683 Councillor Leedham asked for an update on his verbal request for a report on the General Manager's performance appraisal

The Mayor responded that he was waiting for legal advice.

684 Councillor Bird advised that some of the markings on the disabled parking spots in shopping centre car parks have faded and asked if an audit can be conducted as they are not marked clearly.

685 Councillor Rose referred to a letter in today's Daily Telegraph addressed to the Premier in relation to new planning legislation and queried whether Council will be supporting this. He stated that it referred to Kiama Council and Wollongong Council supporting it, however, Shellharbour Council was not mentioned.

The Mayor responded that he has already spoken to the relevant Minister and that this Council has put forward a strong submission.

686 Councillor Rose indicated oncoming cars cannot be seen at the roundabout at the corner of Wattle Road and Jindabyne Road due to the height and size of the plants.

687 Councillor Hawker indicated that he has received complaints from residents in relation to people dumping grass in reserves adjacent to homes and asked what procedures residents should follow to notify Council.

The Director of Operations & Services advised that residents could assist by phoning Council's Customer Services Section and providing any relevant information such as licence plate numbers, address and description.

688 Councillor Hawker stated that he thought Council had some arrangements with shopping centres in the City regarding disabled parking spaces so rangers could patrol these areas.

The Director of Operations & Services advised that Council does have some lease agreements at certain shopping centres but they do not have any authority over private areas.

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689 Councillor Hawker asked if the lease agreements relating to the monitoring of disabled parking spaces could be made a condition of development consent in the future.

The Director of Operations & Services responded that it cannot be made a condition of development consent.

690 Councillor Greig asked if a fence could be placed around the open stormwater drain at the end of Central Avenue, Oak Flats, adjacent to the playground.

691 Councillor Greig requested action be taken in relation to the rubbish being left outside the charity bins within the City as this problem was increasing and asked if there was any way we could stop this from happening.

692 Councillor Greig advised that the fencing surrounding a development in Tongarra Road, Albion Park, opposite the ANZ Bank, has not been totally sealed.

The Mayor stated that the Meeting would stand adjourned and move into Confidential to consider the outstanding items not dealt with earlier prior to meeting in Committee of the Whole (Confidential).

693 RESOLVED: Hawker/Briggs

That Council have a 5 minute recess.

Meeting adjourned at 9.42 pm

Meeting resumed at 10.15 pm

19. Confirmation of the Minutes of the Committee of the Whole Council Meeting (in Confidential Session).

20. Recommendations from the Committee of the Whole Council Meeting (in Confidential Session)

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

2.3 Tenders for the Collection of Waste and Recoverable Resources and/or the Processing of Recyclables

COMMITTEE RECOMMENDATION:

1. Council resolve to enter into a single contract with Thiess Services Pty Ltd for Collection Services (Part A) and Processing Services (Part B) at the tendered rates, and subject to both parties reaching agreement on the changes to the Contract conditions proposed in

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Schedule 3 "Statement of Conformity & Aspects Requiring Amendment" of the Thiess tender. Further that the Contract adopts the following conditions:

- a. on-call cleanup services are to be excluded from the Contract
 - b. ownership of the bins is to remain with Council
 - c. the term of the contract be four years plus the option of an initial extension of one year followed by the option of a second extension of one year.
2. Any extension to the Contract, as per 1c above, shall be subject to a separate resolution by Council.
 3. The Mayor and General Manager be authorised to execute the Contract through the signing of the Formal Instrument of Agreement and to attach the Council Seal.

4.2 Committee of the Whole Extraordinary Meeting 20 November 2007

COMMITTEE RECOMMENDATION:

That the Minutes of the Committee of the Whole Extraordinary Meeting of 20 November 2007 be confirmed as a correct record of proceedings with the following amendments:

- That on Page 3 the two sentences commencing "Cr Bird....." and "Cr Hawker....." be deleted prior to the last sentence.
- Councillor Leedham said that the fifth last sentence on Page 3 should read "Cr Leedham sought permission to leave the Chamber and then he and Cr Bailey left the Chamber".

694 RESOLVED: Greig/Briggs

That Council adopt the recommendations from the Committee of the Whole as read to the Meeting by the General Manager.

CARRIED UNANIMOUSLY

21. Late Items of Business / Urgent Business (as introduced by the Chairperson)

Meeting closed 10.15 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 26 February 2008.

General Manager

Chairperson