

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 20 May 2008 commencing at 5.28 pm**

Present

His Worship the Mayor	Councillor D Hamilton
A Ward	Councillor M Greig Councillor T Hawker
B Ward	Councillor H Stewart
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
Shell Cove Commercial Manager	K James
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
Media Officer	R Payne
Executive Assistant	L Davey

Acknowledgement to Country

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

1. Apologies / Leave of Absence

Ordinary Council Meeting

An apology was tendered on behalf of Councillor Jeffreys

Committee of the Whole Council Meeting

An apology was tendered on behalf of Councillor Jeffreys

156 RESOLVED: Hawker/Hore. That the apology 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 Tender 2008/12 - Supply of Cab Chassis Truck (8910138)

Reason for Confidentiality

This item is classified 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 details, should they be revealed, may result in commercial disadvantage to parties involved in the tendering process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal all details of these Tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

2.2 Tender 2007/31 - Construction of Illawarra Rural Fire Service Control Centre, Albion Park (8909309)

Reason for Confidentiality

This item is classified 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. In addition, it is a requirement of the *NSW Government Code of Tendering for the Construction Industry*, Clause 4.5 that, 'No information is to be released in relation to unsuccessful tenders'.

It is not in the public interest for Council to publish confidential tender information as it may discourage the provision of sensitive analytical information by tenderers in the future.

2.3 Tender 2008/07 - Shellharbour Beachside Tourist Park Management Contract (8911016)

Reason for Confidentiality

This item is classified 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. In addition, it is a requirement of the *NSW Government Code of Tendering for the Construction Industry*, Clause 4.5 that, 'No information is to be released in relation to unsuccessful tenders'.

It is not in the public interest for Council to publish confidential tender information as it may discourage the provision of sensitive analytical information by tenderers in the future.

157 RESOLVED: Greig/Hawker

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) 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 5.30 pm

Meeting resumed at 7.17 pm

3. Recommendations from Committee of the Whole

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

2.1 Tender 2008/12 - Supply of Cab Chassis Truck (8910138)

COMMITTEE RECOMMENDATION:

1. That the Council accept the tender of Dwyers Truck Centre for the supply of a Isuzu CXY455 Cab Chassis Truck at the tendered price of \$133,279.
2. That the purchase of the cab chassis truck be funded from the sale of surplus equipment and available funds from restricted sand mine profits.
3. That the 2007/2008 Budget be amended accordingly.

2.2 Tender 2007/31 - Construction of Illawarra Rural Fire Service Control Centre, Albion Park (8909309)

COMMITTEE RECOMMENDATION:

1. The Council, as Principal under the Project Agreement, approve Wideform Construction Pty Limited to Construct the Illawarra Rural Fire Services Control Centre and Design and Construction of the Garage/Store to the sum of \$1,767,615.00 exclusive of GST.
2. Shellharbour City Council delegate to the General Manager the authority to sign the *Letter of Award* to the contractor for and on behalf of Shellharbour City Council.

2.3 Tender 2008/07 - Shellharbour Beachside Tourist Park Management Contract (8911016)

COMMITTEE RECOMMENDATION:

1. That Council award the Shellharbour Beachside Tourist Park Management Contract to Sanndar Pty Ltd from 1 July 2008 to 30 June 2011, subject to the terms of their tender and the management contract to be entered into.
2. The Mayor and the General Manager be authorised to execute the Contract through the signing of the Formal Instrument of Agreement and to attach the Council Seal.

158 RESOLVED: Briggs/Rose That the Recommendations to Council from the Committee of the Whole Meeting held earlier today be adopted.

CARRIED UNANIMOUSLY

4. Confirmation of Minutes

4.1 Committee of the Whole 29 April 2008

159 RESOLVED: Hore/Gillett That the Minutes of the Committee of the Whole Council Meeting held on 29 April 2008 be confirmed as a correct record of proceedings with the addition of "On three occasions, Councillor Mifsud sought advice from the Corporate Solicitor Mr Bruce McCann" prior to Councillor Mifsud leaving the Chamber at 5.50 pm.

FOR VOTE – Cr Hamilton, Cr Briggs, Cr Bailey, Cr Mifsud, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Stewart

ABSTENTION – Cr Hawker, Cr Rose

NOTE: Councillor Greig did not participate in the vote for this Item as she declared a Pecuniary Interest in the Committee of the Whole Meeting 29 April 2008.

4.2 Ordinary Meeting 29 April 2008

MOTION: Greig/Rose That the Minutes of the Ordinary Council Meeting held on 29 April 2008 be confirmed as a correct record of proceedings.

Councillor Greig supported by Councillor Rose referred to Item 16.1 and stated that there had been comments made by Councillor Bird which should have been included in the Minutes.

The Mayor replied that it is Council policy “only Points of Order included”.

Councillor Greig stated that this was a situation where a Councillor was asked to apologise and the Councillor did apologise.

Councillor Leedham stated that he did ask for a retraction and apology from Councillor Bird and he wanted it minuted that he had asked for a retraction and an apology, as he thought the comments were insulting to Councillors.

Following discussion as to the actual words stated by Councillor Bird, Councillor Bird advised that his words were “if I was Australand I would have difficulty trusting Councillors with this document”.

Councillor Bird began to clarify his remarks.

Councillor Greig called a POINT of ORDER against Councillor Bird that he should not be making additional comment.

The General Manager stressed to the Meeting that the Confirmation of Minutes must deal with the accuracy of the Minutes.

The Mayor overruled the POINT of ORDER.

Councillor Bird began speaking.

Councillor Hawker called a POINT of ORDER and said Councillor Bird could not speak on behalf of Australand.

The Mayor replied that Councillor Bird was stating what he had said, other Councillors were stating what they believed Councillor Bird had said, “surely Councillor Bird is entitled to state what he said”.

Councillor Hawker – “Councillor Bird has stated ‘from Australand’s point of view’”.

The Mayor – “I overrule it”.

Councillor Greig said that Councillor Bird cannot describe or elaborate on why he had said it.

The Mayor advised Councillor Greig that he (Mayor) had just stated that he had no problem accepting that, but Councillor Bird would like to correct what it has been claimed he actually said.

Councillor Greig sought to respond but the Mayor stated that he had ruled on that.

Councillor Bird began to speak.

Councillor Greig called a POINT of ORDER.

Councillor Bird resumed speaking.

Both Councillor Greig and Councillor Leedham called POINTS of ORDER.

The Mayor ordered Councillor Bird to stick to the point.

Councillor Bird resumed speaking in relation to his remarks at the previous meeting and then stated "if you are going to include my comments why not include Councillor Stewart's comments".

Councillor Leedham called a POINT of ORDER.

The Mayor requested clarification from Councillor Bird.

Councillor Bird stated that he would like to move what Councillor Stewart said "as Councillors are being inconsistent".

Councillor Greig called another POINT of ORDER.

The Mayor ruled that Councillor Bird could seek to "make an alteration to the Minutes the same as Councillor Rose and Councillor Greig has".

Councillor Bird – "Councillor Stewart, did apologise, stood there and made a statement regarding the recent court case, and said 'I didn't do it someone else did'".

Councillor Stewart called a POINT of ORDER and said "that is not what was actually said".

The Mayor invited her to speak.

Councillor Stewart said "I said 'I may have been found guilty of one leak and cleared of two so there must be a leaker still in the room', and you Sir said 'good point' and after that I did apologise to the Mayor, fellow Councillors and the gallery. I did not feel it was acceptable to run around the room and then sit back down".

Councillor Bird accepted Councillor Stewart's comments and asked for them to be recorded in the Minutes.

At the request of Councillor Greig, the General Manager read out the proposed addition to the Motion with respect to Councillor Bird's comments.

Councillor Greig requested that "reluctantly" be added at the conclusion of the comments attributed to Councillor Bird.

The Mayor refused to accept "reluctantly".

Councillor Greig replied that "he actually did say it".

Councillor Briggs supported her.

The General Manager again sought clarification from the Councillors as to the exact words the Minutes were to show with regard to Councillor Bird's comments. He stated that in his opinion

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the Minutes were to show that Councillor Leedham did ask for a retraction and apology for the comments that Councillor Bird made ie "if I was Australand I would not trust this Council either" whereas Councillor Bird claims he said "if I was Australand I would have difficulty trusting Councillors with this document".

Councillor Greig requested "put both in, as when he actually did the retraction he did change the wording slightly."

The Mayor ruled that that ended debate regarding the changes, with Councillors Greig/Councillor Rose as Mover and Seconder.

Councillor Gillett expressed her concern in regards to the dispute as to what Councillor Bird had actually said. She said Council shouldn't go back to "Hansard", that is not Council's policy, and as she couldn't remember the exact words, she was against both sets of changes and she would abstain if changes were made to the Minutes.

Following an exchange of words between Councillor Leedham and Councillor Gillett, Councillor Mifsud commented to the Chair, that Councillor Gillett did not need to raise her voice.

Councillor Gillett apologised "if I was being assertive".

Councillor Hawker called a POINT of ORDER, saying that "we do not want Hansard, we should have the right to amend the Minutes, and shouldn't amend them for pedantic things only very important things".

Mayor – "What is the POINT of ORDER".

Councillor Hawker – "Why demand an apology".

160 The Mayor PUT the MOTION to confirm the Minutes subject to the following additions:

Councillor Leedham asked for a retraction and an apology because Councillor Bird had stated "if I was Australand I would have difficulty trusting Councillors with this document" / "If I was Australand I would not trust this Council either".

Councillor Bird retracted his comments and apologised reluctantly.

Councillor Stewart said "I may have been found guilty of one leak and cleared of two so there must be a leaker still in the room". She apologised for her comment.

as read to the Meeting by the General Manager, moved by Cr Greig & seconded by Cr Rose was CARRIED 8/4.

FOR VOTE - Cr Greig, Cr Hawker, Cr Briggs, Cr Bailey, Cr Mifsud, Cr Rose, Cr Leedham, Cr Stewart

AGAINST VOTE - Cr Hamilton, Cr Bird, Cr Hore

ABSTENTION - Cr Gillett

4.3 Extraordinary Meeting 13 May 2008

161 RESOLVED: Hawker/Bird That the Minutes of the Extraordinary Council Meeting held on 13 May 2008 be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

5. Pecuniary and Non-Pecuniary Interest

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

Councillor Mifsud: Item 2.2 Tender 2007/31 – Construction of Illawarra Rural Fire Service Control Centre, Albion Park

Nature of Interest: Councillor Mifsud is acquainted with a Senior Manager of Wideform.

Councillor Greig: Item 4.1 Confirmation of Minutes Committee of the Whole 29 April 2008

Nature of Interest: Councillor Greig owns property within Shellharbour City Centre.

Councillor Greig: Item 11.2 DA No. 505/2007 – Lot 4401, DP 857053, 7 – 23 Wallaroo Drive, Shellharbour City Centre – Construction of 100 Bed Residential Care Facility (State Environmental Planning Policy – Seniors Living) & Retaining Walls

Nature of Interest: Councillors Greig owns property within Shellharbour City Centre.

6. Condolences

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

Mr Neil William Pearson	of	Albion Park
Mr Thomas Campbell Baird	of	Albion Park Rail
Mrs Maudie McIntosh	of	Albion Park Rail
Mr John Harold Cole	of	Barrack Heights
Mrs Ada Barker	of	Barrack Heights
Mrs Phyllis Shearer	of	Barrack Heights
Mrs Donka Vrtkovska	of	Barrack Heights
Mr Vasilios Bill Zisis	of	Mt Warrigal
Mr Raymond Peter Camiot	of	Oak Flats
Mrs Veronica Parker	of	Shellharbour

Mrs Joan Elizabeth Pearse	formerly of	Warilla
Mrs Marian Kaye	of	Warilla
Mr Robert (Bob) Emanuel	of	Warilla
Mrs Margaret (Molly) Anderson	of	Warilla
Mr Rod Vogel	formerly of	Warilla

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

7. Presentations

Nil

8. Mayoral Minutes

8.1 Proposed City of Shellharbour Army Cadet Unit (8912193)

163 RESOLVED: Briggs/Bailey

That this report be received and noted.

CARRIED UNANIMOUSLY

9. Councillors' Reports

Nil

10. General Manager's Office

10.1 Management Plan - Quarterly Review (8911796)

In response to a question from Councillor Stewart, the General Manager advised that he would follow up whether Council is involved in selecting the guest speaker at the International Women's Day event held in Shellharbour City.

164 RESOLVED: Gillett/Hore

That the report be received noted and endorsed.

CARRIED UNANIMOUSLY

10.2 March 2008 Quarter Budget Review (8912350)

In response to a question from Councillor Briggs, the General Manager advised that he would investigate whether Council is covered by insurance for legal expenses incurred.

Councillor Mifsud asked numerous questions regarding Shellharbour Links for which the Mayor replied that the questions would be taken on notice.

165 RESOLVED: Hawker/Leedham

1. That Council adopt the March 2008 Quarter Budget Review with the new item as contained in this report. This will result in a revised budget deficit for the year ended 30 June 2008, of \$1,532,186.
2. That the grant from Families NSW listed in the new items section of this report be accepted.

CARRIED 10/2

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

10.3 Leave of Absence - Cr Christine Jeffreys - LATE REPORT (8914360)

166 RESOLVED: Hore/Gillett

That Leave of Absence be granted to Councillor Christine Jeffreys for the Ordinary Council Meeting of 20 May 2008.

CARRIED UNANIMOUSLY

11. Operations & Services Division

11.1 DA No. 547/2007 - Lots 3 & 4, DP 369806, Headland Parade, Barrack Point - Proposed Amenities Building & Car Parking Area in Elliot Lake Reserve (8910542)

MOTION: Bird/Gillett

That the Council adopt Option 4 and approve Development Application No. 547/2007 for the construction of an amenities building and car parking area at Lots 3 & 4, DP 369806, Headland Parade, Barrack Point, under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended subject to the 15 conditions following the conclusion of this report.

Councillor Rose FORESHADOWED a MOTION that Council adopt Option 3 in principle and seek public comment by way of advertising.

167 The MOTION on being PUT to the Meeting was LOST 5/7

FOR VOTE - Cr Hamilton, Cr Hawker, Cr Gillett, Cr Bird, Cr Hore

AGAINST VOTE - Cr Greig, Cr Briggs, Cr Bailey, Cr Mifsud, Cr Rose, Cr Leedham, Cr Stewart

168 The FORESHADOWED MOTION then became the MOTION, was seconded by Cr Briggs, and on being PUT to the Meeting was CARRIED 8/4

FOR VOTE - Cr Greig, Cr Hawker, Cr Briggs, Cr Bailey, Cr Mifsud, Cr Rose, Cr Leedham, Cr Stewart

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

11.2 DA No. 505/2007 - Lot 4401, DP 857053, 7 - 23 Wallaroo Drive, Shellharbour City Centre - Construction of 100 Bed Residential Care Facility (State Environmental Planning Policy - Seniors Living) & Retaining Walls (8911466)

Note: Councillor Greig declared an interest in Item 11.2 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

169 RESOLVED: Rose/Bailey

That the Council approve Development Application No. 505/2007 for the construction of a 100 Bed Residential Care Facility (State Environmental Planning Policy - Seniors Living) & Retaining Walls at Lot 4401, DP 857053, 7 - 23 Wallaroo Drive, Shellharbour City Centre under Section 80 of the *Environmental Planning & Assessment Act 1979* subject to the 85 conditions following the conclusion.

CARRIED UNANIMOUSLY

11.3 Policy for the Provision of Weekly Garbage Services on Compassionate Grounds (8911437)

Councillor Greig here returned to the Chamber.

170 RESOLVED: Hawker/Greig

That the Council adopt the Policy for the Provision of Weekly Garbage Services on Compassionate Grounds with the following amendments to the policy at 6.2 Guidelines for assessing applications under this policy:

- Applications for a weekly garbage collection need to be in writing from the property owner, or from a real estate agent acting on the owner's behalf.
- The applicant must be supported by documentary evidence (eg a medical certificate) to apply for a weekly service. The applicant does not need to state reasons why they require a weekly service.

- Only verified conditions that result in the generation of large volumes of non-recyclable waste will be eligible for consideration under this policy.

CARRIED 10/2

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

Matter Arising

171 RESOLVED: Hawker/Briggs

That a report be prepared outlining any way in which Council can provide a weekly garbage service and the cost of such service.

CARRIED 10/2

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

11.4 Illawarra Sustainability Roadmap (8910712)

The Mayor left the Chamber at 9.41 pm and Councillor Greig took the Chair.

172 RESOLVED: Bird/Leedham

That the Council adopt the Illawarra Sustainability Roadmap for implementation and for submission to the NSW Environmental Trust, in accordance with the NSW Environmental Trust Grant Agreement conditions.

CARRIED UNANIMOUSLY
ABSENT. DID NOT VOTE – Cr Hamilton

11.5 Review of Corruption and Fraud Prevention Policy and Statement of Business Ethics (8905408)

The Mayor returned to the Chair at 9.44 pm.

173 RESOLVED: Briggs/Hawker

That this Item be deferred for a full briefing of Councillors to discuss and review this policy, and any changes to the policy be shown in italics compared to the original policy. Further, that the briefing include comment on the issues outlined in the list tabled by Councillor Briggs.

CARRIED UNANIMOUSLY

11.6 GST Certificate (8910576)

174 RESOLVED: Hawker/Hore

That Council make the GST Certificate (as attached) and approve the application of the signatures by the Mayor, one other Councillor and the General Manager to that Certificate, as is required for GST compliance.

CARRIED UNANIMOUSLY

11.7 Naming of Urban Place or Village - Shellharbour Village (8909426)

175 RESOLVED: Rose/Mifsud

That the proposed name of "Shellharbour Village" be submitted to the Geographical Names Board of NSW for consideration of its application to the intersection of Addison and Wentworth streets Shellharbour and subsequent advertising, consideration of public submissions and possible Gazetting.

CARRIED UNANIMOUSLY

Matter Arising

Councillor Leedham stated that a number of residents who live at Lake Illawarra South are confused as to the correct name of the suburb and asked if this could be investigated.

12. Community Planning & Strategies Division

12.1 Rezoning Application - Lot 66 DP 751274 Yellow Rock Road, Albion Park (8910094)

MOTION: Rose/Bird

Council resolve to not prepare or publicly exhibit an amendment to Shellharbour Rural Local Environmental Plan 2004 that proposes amending Schedule 3 to include Lot 66 DP 751274 Yellow Rock Road, Albion Park to allow a dwelling entitlement on the land.

Councillor Hawker FORESHADOWED a MOTION, seconded by Councillor Briggs, that Council resolve:

- a) to prepare a draft local environmental Plan to amend Schedule 3 to include Lot 66 DP 751 Yellow Rock Road, Albion Park to allow a dwelling, in accordance with section 54 of the Environmental Planning and assessment Act 1979.
- b) to request section 65 delegation from the Minister of Planning to enable exhibition of the amendment
- c) that a further report be submitted to council at the completion of the exhibition.

Councillor Rose withdrew the MOTION.

176 The FORESHADOWED MOTION became the MOTION and on being PUT to the Meeting was LOST 5/7

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

177 RESOLVED: Bird/Hore

That Council resolve to not prepare or publicly exhibit an amendment to Shellharbour Rural Local Environmental Plan 2004 that proposes amending Schedule 3 to include Lot 66 DP 751274 Yellow Rock Road, Albion Park to allow a dwelling entitlement on the land.

The Mayor declared the Motion CARRIED on his casting vote.

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

13. Shell Cove Business Division

Nil

14. Committee Recommendations

14.1 Recommendations from the Traffic Committee Meeting held 7 May 2008 recommended for adoption.

178 RESOLVED: Greig/Gillett

That the Recommendations from the Traffic Committee Meeting held 7 May 2008 be adopted.

CARRIED UNANIMOUSLY

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

17.1 Investments (8912552)

179 RESOLVED: Hawker/Gillett

That Council receive and note the item for information.

CARRIED UNANIMOUSLY

18. Questions without Notice

180 Councillor Stewart stated that when she was speaking in relation to the weekly garbage service she meant no disrespect to the Mayor, the General Manager or the Councillors.

181 Councillor Stewart asked if there was a date for the Dogs Day Out event.

182 Councillor Stewart asked the Director of Operations & Services for the name of the company looking after maintenance at Shellharbour Links who he had referred to previously.

The Director of Operations & Services replied that they are consultants from Concord Golf Course.

183 Councillor Rose congratulated the Director of Operations & Services and staff on the clean up of Little Park and the beach in Shellharbour.

184 Councillor Mifsud stated that Shallows Drive, Shell Cove is still in darkness despite raising the issue of lighting some months ago and asked if this could be investigated.

185 Councillor Bailey asked if it was possible if Council could look at development applications with regard to requirements for major grocery stores to enable more competition and a reduction of prices for residents of Shellharbour City.

186 Councillor Hawker stated that residents have informed him that conditions have improved where the roundabout is being constructed at Terry and Church Streets, Albion Park.

187 Councillor Hawker suggested that the University of Wollongong be contacted with regarding to providing input in relation to the Corruption and Fraud Prevention Policy.

188 Councillor Greig asked whether, in relation to the Ordinary Council Minutes of 29 April 2008, the legal advice had been obtained in relation to Items 16.1 and 16.2.

The Corporate Solicitor responded in relation to 16.1 that legal advice was being prepared but the advice is that the information cannot be released without the consent of both parties and that Australand was not prepared to consent to the release of that confidential information. He advised that a full report will be presented to the next Council meeting.

The Corporate Solicitor responded in relation to 16.2 that he had sought advice from Mr Gerry Holmes in regards to the selection of a lawyer and he had recommended his partner Mr David Clarke for the purpose of arranging this legal advice. He stated that there was now an issue with professional insurance as Mr Clarke is a consultant to a Sydney law firm and does not carry his own personal insurance and he was currently clarifying his position.

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189 Councillor Rose referred to a letter to the editor in a local newspaper from "Committee of the Links" and asked who the committee was.

The Director of Operations & Services responded that this referred to the Players Committee of the Links.

190 Councillor Hore asked if the next Council Meeting should be put back a week due to the Public Inquiry.

Councillors were of the view that the date for the next meeting should not be changed.

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)

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

Meeting closed 10.36 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 10 June 2008

General Manager

Chairperson