

# SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 12 August 2014

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**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Council Administration Centre  
Shellharbour City Centre  
on Tuesday 12 August 2014 commencing at 6.30 pm**

## Present

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

## In attendance

General Manager	M Willis
Director City Outcomes	C McIntyre
Director Corporate Policy	L Furness
Director Shellharbour Enterprises	M Youell
Executive Manager / Public Officer	F MastroDomenico
Group Manager City Strategy	G Hoynes (part)
Group Manager Corporate Strategy	M Boxall (part)
Group Manager Infrastructure Services	M Boenisch
Group Manager City Development	G Meredith (part)
Manager Property & Recreation	D Flanagan
Manager Assets & Projects	G Standen
Property Assistant	M Olsen
Media Officer	C Lewis
Senior Executive Assistant (Minute Taker)	L Davey
Council Liaison Officer	J Frasca
CBRE	C Stewart
Martin Morris & Jones	T Jones

**1. Acknowledgement to Country**

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting and pays its respects to Elders past and present.

**Webcasting and Emergency Plan Statement**

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

**2. Confirmation of Minutes**

**2.1 Extraordinary Meeting 15 July 2014**

236 RESOLVED: Marsh/Boyle

That the Minutes of the Extraordinary Council Meeting held on 15 July 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

**2.2 Committee of the Whole (Confidential session) Extraordinary Meeting 15 July 2014**

237 RESOLVED: Marsh/Rankin

That the Minutes of the Committee of the Whole Extraordinary Council Meeting held on 15 July 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

**3. Apologies / Leave of Absence**

Nil

**4. Confidential Business (Committee of the Whole)**

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following

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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**

#### **4.1 Sale of the Former Council Chambers and Administration Centre, 162 Shellharbour Road, Warilla and adjoining lot, 4 Lake Entrance Road, Warilla (10218622)**

##### **Reason for Confidentiality**

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

- (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
  - (ii) confer a commercial advantage on a competitor of the council

This item, if discussed in the Open Meeting of Council, would be contrary to the public interest because it is premature at this time. The appropriate time for its full release such that the commercial position of the person who supplied it is not prejudiced, would be when the proposed sale is entered into.

Council will be considering the possible divestment of Lot 2 DP 833735 also known as the former Council Chambers and Administration Centre, 162 Shellharbour Road Warilla, and the adjoining land, being Lot 12 DP 1125335 also known as the Warilla Library and Peace Grove, 4 Lake Entrance Road, Warilla. Whilst any decision to sell such assets should be made in the public domain, early consideration of information pertaining to the sale is best conducted in confidential session, to enable candid debate of commercial details, options and strategies and to protect the public interest and the debate, from influence of vested interests at this early stage of consideration.

#### **4.2 Disposal of Council Land at Lot 1 DP 1188837 Shandan Circuit, Albion Park Rail (10217976)**

##### **Reason for Confidentiality**

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

- (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
  - (ii) confer a commercial advantage on a competitor of the council

Council will be considering the possible divestment of Lot 1 DP1188837. Whilst any decision to sell such assets should be made in the public domain, early consideration of information pertaining to the sale is best conducted in confidential session, to enable candid debate of commercial details, options and strategies and to protect the public interest and the debate, from influence of vested interests.

#### **5. Pecuniary Interest and Conflict of Interest Declarations**

Nil

#### **6. Condolences**

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

Mr Bill McNaughton	of	Albion Park
Ms Casey-Lee Hull	of	Albion Park
Mrs Kalopi Najdovska	of	Albion Park
Mrs Dani Cockerell	of	Barrack Heights

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Mrs Patricia Carmel Webb	of	Barrack Point
Mrs Betty June Emery	of	Flinders
Mrs Dorothy Dawn Thompson	formerly of	Oak Flats
Mrs Kathleen Evans	of	Shell Cove
Mrs Marie Ivy Watts (Nee Ferry)	formerly of	Mt Warrigal
Mrs Dorothy Dawn Thompson	of	Oak Flats
Mr Ronald Gordon Davis	of	Oak Flats
Mrs Ella May Henderson	of	Shell Cove
Mr Clifford Wadeson	of	Shellharbour
Mr Fred Metcalfe	of	Shellharbour
Mr Milton John East	formerly of	Shellharbour
Mr Alan Venters	of	Warilla
Mr Doug Patterson	of	Warilla
Mr Frank Nadin	of	Warilla

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

### 7. Addresses to Council

Please note the following clauses from Council's Code of Meeting Practice:

#### **13.3 Conduct of Addresses**

13.3.1 *The duration of individual addresses is strictly limited to four minutes with no extensions permissible*

13.3.2 *Only the Chairperson is permitted to ask questions of any person addressing the Council.*

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<b>Agenda Item No &amp; Title</b>	<b>Name</b>
11.1.2 Compliance with the GIPA Act - Review of the Information Guide	Sonya McKay
11.2.3 HARS - Response to Questions on Notice Submitted by Cr Peter Moran	Sonya McKay
11.3.1 Local Government Debt Funding Opportunity	Diane Quinlin
11.4.1 Damage caused to the East-West Runway during the Wings Over the Illawarra Event	Sonya McKay

The Mayor advised the meeting of the following late registration for the Council to consider:

<b>Agenda Item No &amp; Title</b>	<b>Name</b>
<b>LATE REGISTRATION</b>	
11.2.1 Shellharbour LEP 2013 Planning Proposal No. 5 - Adoption of Exhibited Planning Proposal for Deferred Urban Fringe Lands Part 2 - Albion Park, Croom and Dunmore.	John Thompson

MOTION: Rankin/Boyle

That the address of Mr John Thompson be heard.

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

FOR VOTE - Cr Boyle, Cr Moran, Cr Rankin

AGAINST VOTE - Cr Saliba, Cr Murray, Cr Stewart, Cr Marsh

240 RESOLVED: Rankin/Marsh

That Standing Orders be suspended in order for Items 11.1.2, 11.2.3, 11.3.1 and 11.4.1 the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

**11.1.2 Compliance with the GIPA Act - Review of the Information Guide (10218800)**

241 RESOLVED: Murray/Boyle

1. That the Information Guide - July 2014 as attached to this report be adopted.
2. That the Information Guide be updated as and when required to reflect changes as they occur.

CARRIED UNANIMOUSLY

**11.2.3 HARS - Response to Questions on Notice Submitted by Cr Peter Moran (10220566)**

MOTION: Moran/Murray

That the report be received and noted.

Following comments made by the Mayor, Councillor Moran MOVED a POINT of ORDER that Councillor Marsh did not indicate whether she was speaking for or against the Motion. The Mayor ruled against the POINT of ORDER and put the Motion to the vote.

242 The MOTION on being PUT to the Meeting was CARRIED UNANIMOUSLY

**11.3.1 Local Government Debt Funding Opportunity (10219248)**

243 RESOLVED: Murray/Rankin

That Council give in-principle support for Local Government NSW to undertake a feasibility study to determine the establishment of a local government funding vehicle.

CARRIED UNANIMOUSLY

**11.4.1 Damage caused to the East-West Runway during the Wings Over Illawarra Event (10221082)**

244 RESOLVED: Moran/Marsh

That Council receive and note this report.

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CARRIED UNANIMOUSLY

245 RESOLVED: Rankin/Boyle

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

246 RESOLVED: Murray/Rankin

That the Council Meeting be adjourned for 5 minutes.

CARRIED UNANIMOUSLY

**Meeting adjourned at 7.27 pm**

**Meeting resumed at 7.34 pm**

### **8. Mayor's Statements / Reports / Presentations**

That Mayor outlined the events she has attended since the last Council Meeting.

### **9. Councillors' Reports**

Councillor Rankin outlined the events he has attended since the last Council Meeting.

Councillor Stewart provided details of the Library Conference she attended recently.

### **10. Mayoral Minutes**

#### **10.1 Mayoral Minute: Reschedule of Council Meetings (10224960)**

247 RESOLVED: Mayor Saliba

That the Ordinary Council Meeting of 23 September 2014 and the Extraordinary Council Meeting of 23 September 2014 be rescheduled to Tuesday 30 September 2014.

CARRIED 4/3

FOR VOTE - Cr Boyle, Cr Saliba, Cr Murray, Cr Rankin  
AGAINST VOTE - Cr Moran, Cr Stewart, Cr Marsh



**11. Reports**

**11.1 General Manager**

**11.1.1 Fourth Quarter Review of the Operational Plan 2013/14 and Second Biannual Review of the Delivery Program 2013 - 2017 (10221221)**

MOTION: Murray/Rankin

1. That the Fourth Quarterly Review of the Operational Plan 2013/14 for the quarter ended 30 June 2014 be received and endorsed.
2. That the Second Biannual Review of the Delivery Program 2013 - 2017 for the period of 1 January to 30 June 2014 received and endorsed.

Councillor Marsh MOVED a POINT of ORDER that she could not hear the speaker due to Councillors speaking. The Mayor accepted the POINT of ORDER and asked Councillor Stewart and Councillor Rankin to refrain from speaking while the Director City Outcomes was addressing the meeting.

248 The MOTION on being PUT to the Meeting was CARRIED UNANIMOUSLY

**11.1.2 Compliance with the GIPA Act - Review of the Information Guide (10218800)**

This item was considered following Addresses to Council (refer Resolution No. 241).

**11.1.3 The Links (10221523)**

MOTION: Murray/Moran

That Council receive and note the report.

Following the Mayor's request for the General Manager to address the Meeting, Councillor Moran MOVED a POINT of ORDER that the General Manager is not to take part in the debate. The Mayor ruled against the POINT of ORDER and clarified that she would like the General Manager to address the meeting in relation to some of the issues that have been raised.

249 The MOTION on being PUT to the Meeting was CARRIED UNANIMOUSLY

**11.2 City Outcomes Directorate**

**11.2.1 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 5 - Adoption of Exhibited Planning Proposal for Deferred Urban Fringe Lands Part 2 - Albion Park, Croom & Dunmore (10203804)**

250 RESOLVED: Rankin/Murray

That Council:

1. adopt the Zoning and Planning Controls for Shellharbour Local Environmental Plan 2013 Planning Proposal No 5 as outlined in Attachment 1.
2. authorise the General Manager to amend the Zoning and Planning Control Maps for Shellharbour Local Environmental Plan 2013 Planning Proposal No 5 as outlined in Attachment 2.
3. prepare a draft clause to be included in the written instrument of Shellharbour Local Environmental Plan 2013 to incorporate provisions relating to the maximum number of allotments and dwelling houses for certain split zoned land as shown in Attachment 3.
4. authorise the General Manager to forward the revised Planning Proposal as outlined in Attachments 1, 2 and 3 to the Minister for Planning under section 58(2) of the *Environmental Planning & Assessment Act 1979*.
5. authorise the General Manager to request the Minister for Planning to prepare the Draft Local Environmental Plan and make the Plan under section 59 of the *Environmental Planning & Assessment Act 1979*.
6. delegate to the General Manager the authority to make minor mapping and wording changes if and as required by the Director General of the NSW Department of Planning & Environment or the Parliamentary Counsel's office.

CARRIED UNANIMOUSLY

**11.2.2 Proposed Preparation of a Town Centre Plan for Oak Flats & Councillor Representation on the Plan's Project Control Group (10219275)**

251 RESOLVED: Saliba/Marsh

That Council:

1. endorse the commencement of the Oak Flats Town Centre Plan.

2. That Councillor Moran and Councillor Stewart be the Councillor representatives for the Oak Flats Town Centre Plan Project Control Group.

CARRIED UNANIMOUSLY

**11.2.3 HARS - Response to Questions on Notice Submitted by Cr Peter Moran (10220566)**

This item was considered following Addresses to Council (refer Resolution No. 242).

**11.3 Corporate Policy Directorate**

**11.3.1 Local Government Debt Funding Opportunity (10219248)**

This item was considered following Addresses to Council (refer Resolution No. 243).

**11.3.2 Implications for the repeal of the Carbon Pricing Mechanism (10219126)**

252 RESOLVED: Rankin/Marsh

That Council endorse:

1. The removal of the Carbon Pricing Mechanism component of the mixed waste rate at the Dunmore Recycling & Waste Disposal Depot.
2. That funds collected through domestic and commercial charges, for the purpose of the Carbon Pricing mechanism in 2014/15, be returned through 2015/16 charges, plus an appropriate rate of interest.
3. The use of the carbon tax already collected be applied to the redevelopment of the Dunmore Recycling and Waste Disposal Depot.

CARRIED UNANIMOUSLY

**Business Arising**

MOTION: Moran/Marsh

1. That Council immediately begin to apply the charges that were passed in the July budget in our fees and charges policy.

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2. That Council immediately put out on public exhibition for 28 days a proposal to reduce those fees by the amount of carbon tax liability otherwise being incurred on a per tonne basis.
3. That Council encourages anyone that drops waste at that facility in the intervening period to keep their receipts so they can be reimbursed for the carbon tax liability amount at a future date.

The Mayor ruled the Motion out of order as it contradicts the previous resolution.

MOTION: Moran

That the Mayor's ruling be dissented from.

253 The MOTION being put to the Meeting was LOST 2/5

FOR VOTE - Cr Moran, Cr Marsh

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

### **11.3.3 Proposed Licence Agreement: Reallife Health and Fitness (10217883)**

254 RESOLVED: Rankin/Boyle

1. That Council commence the formal process to enter into a 12 month Licence agreement with Reallife Health and Fitness, including advertising and exhibition of the proposal.
2. That provided no objections are received, Council enter into a 12 month Licence agreement with Reallife Health and Fitness for the use and occupation of part of Graham Park, Peterborough Avenue, Lake Illawarra, to conduct commercial fitness training activities, at an annual rental of \$1,700 GST inclusive.
3. 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

**11.3.4 Proposed Licence - Illawarra Hockey Incorporated, Croom Regional Sporting Complex, Croome Road, Croom (10217915)**

255 RESOLVED: Marsh/Rankin

1. That Council commence the formal process including advertising and public exhibition to enter into a Licence Agreement with Illawarra Hockey Inc. for a period of two (2) years with an a one subsequent three year option.
2. That provided no objections are received, Council enter into a Licence Agreement for a period of period of two (2) years with an a one subsequent three year option with Illawarra Hockey Incorporated for the use and occupation of the hockey fields, canteen and associated facilities located on Part Lot 7 DP1038941, Croom Regional Sporting Complex, Croome Road Croom for the amount of \$500.00 plus GST per month.
3. That the Mayor and General Manager, or his nominated delegate, be authorised to sign the Licence Agreement under Council Seal.

CARRIED UNANIMOUSLY

**11.3.5 Tender 2013/68 - Early Contractor Involvement and Design and Construct Services for the Shellharbour City Hub Stage 1 (10218891)**

MOTION: Murray/Rankin

1. In accordance with Section 178 of the *Local Government (General) Regulation (2005)*, that Council enter into a contract (Contract 2013/68) with ADCO Constructions Pty Ltd for the tender sum of \$196,100.00 excluding GST in accordance with Tender Document 2013/68.
2. That the General Manager, or his nominated delegate, be authorised to sign the formal documentation to award the contract.
3. That Council note that in appointing a contractor for the Early Contractor Involvement, Council is not committing to the award of the Design and Construct Contract. They are however, accepting the tendered fees, rates and margins to be used in developing their offer for the design and construction. The award of a Design and Construct contract will require a further Council resolution.

Councillor Moran FORESHADOWED a MOTION that should the MOTION be lost, he would move that this item be deferred to a future Meeting of Council.

256 The MOTION on being PUT to the Meeting was CARRIED 4/3

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FOR VOTE - Cr Boyle, Cr Saliba, Cr Murray, Cr Rankin  
AGAINST VOTE - Cr Moran, Cr Stewart, Cr Marsh

### **11.4 Shellharbour Enterprises Directorate**

#### **11.4.1 Damage caused to the East-West Runway during the Wings Over Illawarra Event (10221082)**

This item was considered following Addresses to Council (refer Resolution No. 244).

### **12. Committee Recommendations**

Nil

### **13. Items for Information**

Nil

### **14. Notices of Rescission/Alteration Motions**

RESCISSION MOTION: Moran/Marsh

That the decision in respect of Item 10.1 of the Ordinary Meeting of Council held on 12 August 2014 be rescinded.

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

FOR VOTE - Cr Moran, Cr Stewart, Cr Marsh  
AGAINST VOTE - Cr Boyle, Cr Saliba, Cr Murray, Cr Rankin

### **15. Notices of Motion**

#### **15.1 Notice of Motion submitted by Cr Peter Moran: Council Meeting Recordings (10224433)**

MOTION: Moran/Marsh

1. Council requires the General Manager to provide a report to the Council meeting of 2 September 2014 as to why the Code of Meeting Practice was not followed and why all meetings of Council, including confidential sessions, held between 27 January 2010 and 17 September 2013 were not recorded.

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2. In his report to Council on 2 September 2014 the General Manager will also report on any particular circumstances relating to the Extraordinary meeting of 10 September 2013 and why that meeting was not recorded.

258 RESOLVED: Moran/Stewart

That Councillor Moran be granted an extension of 2 minutes to conclude his address.

CARRIED 6/1

FOR VOTE - Cr Boyle, Cr Saliba, Cr Moran, Cr Murray, Cr Stewart, Cr Marsh  
AGAINST VOTE - Cr Rankin

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

FOR VOTE - Cr Moran, Cr Stewart, Cr Marsh  
AGAINST VOTE - Cr Boyle, Cr Saliba, Cr Murray, Cr Rankin

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

**16.1 Question on Notice submitted by Cr Kellie Marsh: Asset Sales (10213860)**

**16.2 Questions on Notice submitted by Cr Kellie Marsh: Airport (10213841)**

### **17. Urgent Business**

MOTION: Moran

That the General Manager's Performance Review Panel be renamed the General Manager's Performance Review Committee.

The Mayor ruled that the proposed Motion was not urgent business.

MOTION: Moran

That the Mayor's ruling be dissented from.

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

FOR VOTE - Cr Moran, Cr Stewart, Cr Marsh

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

**18. Committee of the Whole in Closed Session: Adjournment**

The Mayor asked whether anyone in the public gallery wished to speak on the reasons why Item 4.1 Sale of the Former Council Chambers and Administration Centre, 162 Shellharbour Road, Warilla and adjoining lot, 4 Lake Entrance Road, Warilla and Item 4.2 Disposal of Council Land at Lot 1 DP 1188837 Shandan Circuit, Albion Park Rail should not be held in Confidential Session (closed to the public).

No members of the public gallery expressed their interest in addressing the meeting.

261 RESOLVED: Murray/Rankin

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, d(i), d(ii) 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 9.38 pm**

**Meeting resumed at 10.27 pm**

**19. Committee of the Whole: 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

- 4.1 Sale of the Former Council Chambers and Administration Centre, 162 Shellharbour Road, Warilla and adjoining lot, 4 Lake Entrance Road, Warilla (10218622)**



COMMITTEE RECOMMENDATION:

1. That Council enter into a contract for sale of Lot 51 DP 1198755 formally known as Lot 2 DP 833735 also known as the former Council Chambers and Administration Centre, 162 Shellharbour Road Warilla, and the adjoining land, being Lot 50 DP 1198755 formally known as Lot 12 DP 1125335, 4 Lake Entrance Road, Warilla for the amount of \$4.05 million with Louis Mifsud & Nominees (Cel Bare Pty Ltd)
2. That the Council enter into a Lease Back Agreement with Louis Mifsud & Nominees (Cel Bare Pty Ltd) for the lease of the Warilla Library including car parking for a period of 18 months with a further option of another 6 months for an annual rental fee of \$134,000 pa + GST plus outgoings.
3. That Council enter into a Licence Agreement with Louis Mifsud & Nominees (Cel Bare Pty Ltd) for the area relating to the Heritage Item being the Lone Pine.
4. That the Mayor and General Manager, or his nominated delegate, be authorised to sign under Council Seal, the Contract for Sale of Lot 51 DP 1198755 formally known as Lot 2 DP 833735 also known as the former Council Chambers and Administration Centre, 162 Shellharbour Road Warilla, and the adjoining land, being Lot 50 DP 1198755 formally known as Lot 12 DP 1125335, 4 Lake Entrance Road, Warilla and other associated documentation.
5. That the Mayor and General Manager, or his nominated delegate, be authorised to sign under Council Seal, the Lease Back Agreement and other associated documentation for the lease of the Warilla Library including car parking for a period of 18 months with a further option of another 6 months.
6. That the Mayor and General Manager, or his nominated delegate, be authorised to sign under Council Seal, the Licence Agreement and any other associated documentation for the area relating to the Heritage Item, being the Lone Pine.

**4.2 Disposal of Council Land at Lot 1 DP 1188837 Shandan Circuit, Albion Park Rail (10217976)**

COMMITTEE RECOMMENDATION:

1. That Council enter into a Contract for Sale of Lot 1 in Deposited Plan 1188837, Albion Park Rail for an amount of \$599,224.50 plus GST.
2. That all proceeds of the sale be restricted for acquiring land for public roads or for carrying out road work on public roads within the Local Government Area.

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3. That Council enter into a licence agreement with Hydrox Nominees for the occupation of Lot 1 in Deposited Plan 1188837, Albion Park Rail for a nominal fee of \$1.00 until the sale process has been completed.
4. That the Mayor and General Manager, or his nominated delegate, be authorised to execute relevant documentation in relation to the licence, sale and transfer of Lot 1 in Deposited Plan 1188837, under Council Seal.

MOTION: Murray/Rankin

That the recommendations to Council from the Committee of the Whole meeting held earlier today be adopted.

MOTION: Murray/Rankin

That the Motion be put.

Councillor Moran MOVED a POINT of ORDER that according to the Code of Meeting Practice you can only move that a motion be put if there have been two people speaking either for or against the Motion and there has been no one indicate they intend to speak the other way. The Mayor ruled that the Mover is entitled to speak to his Motion.

Councillor Moran MOVED a further POINT of ORDER in relation to the Mayor requesting that the Motion be put to the meeting. The Mayor ruled against the POINT of ORDER and Councillor Moran MOVED a Motion of Dissent from the Mayor's Ruling.

MOTION: Moran

That the Mayor's Ruling be dissented from.

Councillor Moran MOVED a further POINT of ORDER in relation to the Mayor requesting that the Motion of Dissent be put to the meeting. The Mayor did not accept the POINT of ORDER and called for the Motion of Dissent to be put to the meeting.

262 The MOTION of DISSENT on being PUT to the Meeting was LOST 1/4

FOR: Cr Marsh

AGAINST: Cr Saliba, Cr Rankin, Cr Boyle, Cr Murray, Cr Moran, Cr Stewart

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The Mayor then called for the Motion in relation to the adoption of the recommendations to Council from the Committee of the Whole Meeting, moved by Cr Murray and seconded by Cr Rankin, to be put to the meeting.

263 The MOTION on being PUT to the Meeting was CARRIED 4/3

FOR: Cr Saliba, Cr Rankin, Cr Boyle, Cr Murray

AGAINST: Cr Moran, Cr Stewart, Cr Marsh

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

Nil

**Meeting closed 10.41 pm**