

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 16 December 2014

Minutes of the Ordinary Meeting of Shellharbour City Council

held at the Council Chambers, Council Administration Centre

Shellharbour City Centre

on Tuesday 16 December 2014 commencing at 6.34 pm

Present

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

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 Infrastructure Services	M Boenisch
Group Manager City Strategy	G Hoynes (part)
Group Manager City Development	G Meredith (part)
Manager Property & Recreation	D Flanagan
Manager Assets & Projects	G Standen
Shell Cove Commercial Manager	K James
Team Leader Regulation	C Nolan (part)
Team Leader Property	M Scozzafava (part)
Media Officer	C Lewis
Senior Executive Assistant (Minute Taker)	L Davey
Council Liaison Officer	J Frasca

1. Acknowledgement to Country

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

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 Ordinary Meeting 2 December 2014

414 RESOLVED: Marsh/Murray

That the Minutes of the Ordinary Council Meeting held on 2 December 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.2 Committee of the Whole 2 December 2014

415 RESOLVED: Murray/Rankin

That the Minutes of the Committee of the Whole Council Meeting held on 2 December 2014 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

2.3 Extraordinary Meeting 26 November 2014

416 RESOLVED: Marsh/Rankin

That the Minutes of the Extraordinary Council Meeting held on 26 November 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 business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

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

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

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

CONFIDENTIAL ITEMS

4.1 The Links Shell Cove (10317697)

Reason for Confidentiality

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

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- (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

Council will be considering the divestment of property and funding scenarios for the implementation of the Links Business Plan. Some of this information is based on third party information which has been provided to the council on the basis of its use for the purpose for which it was sought. Council is unable to provide this information to the public. Further the report details the expected income Council would receive from the properties and to enable candid debate of commercial details, options and strategies and to protect the public interest and the debate, from the influence of vested interests.

4.2 Offer to Purchase Council Land - Lot 522 DP 1168919 Braemar Street Tullimbar (10317751)

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, or
 - (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.

4.3 Request for Review of Determination (10320483)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(e), (g) and (i) 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,

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- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Council will be considering a request for a review of a determination of a claim for payment of legal expenses associated with a Code of Conduct enquiry. Some of the information is of a personal nature that if disclosed could prejudice the claimant. Further, the information is of a legal nature that would otherwise be privileged from production in legal proceedings. It is not considered to be in the public interest for this information to be made public.

4.4 The Waterfront Shell Cove Land Purchase Option No. 2 (10322716)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(c),(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:
 - (ii) confer a commercial advantage on a competitor of the council

Candid discussion of this item in any open meeting or briefing of Council would be contrary to the public interest, as this consideration has implications for the commercial, private interests of Council's associate in the Management Agreement. Council is considering its options for acquisition or divestment of land which is part of the Harbour Land defined in the Management Agreement, being residential, retail and commercial precincts of The Waterfront, Shell Cove. Whilst any decision to sell or surrender a land asset must be made by resolution of the Council {LG Act, S.377(1 h)} and any resolution to sell should be made in the public domain, earlier consideration of sales or options or alternative strategies may be best conducted in confidential session, to optimise candid debate of options and strategies and to protect the public interest and debate, from any influence of vested interests.

5. Pecuniary Interest and Conflict of Interest Declarations

Councillor Moran: Item 4.3 Request for Review of Determination

Nature of Interest: Councillor Moran declared a pecuniary interest (details outlined in Committee of the Whole minutes).

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General Manager: Item 4.3 Request for Review of Determination

Nature of Interest: The General Manager declared a non-pecuniary interest (details outlined in Committee of the Whole minutes).

Executive Manager/Public Officer: Item 4.3 Request for Review of Determination

Nature of Interest: The Executive Manager declared a non-pecuniary interest (details outlined in Committee of the Whole minutes).

Director Corporate Policy: Item 4.3 Request for Review of Determination

Nature of Interest: The Director Corporate Policy declared a non-pecuniary interest (details outlined in Committee of the Whole minutes).

Director City Outcomes: Item 4.3 Request for Review of Determination

Nature of Interest: The Director City Outcomes declared a non-pecuniary interest (detailed outlined in Committee of the Whole minutes).

Councillor Marsh: Item 11.3.5 New Licence Agreement with Shellharbour Juniors Football Club at Myimbarr Community Park, Wattle Road, Shellharbour

Nature of Interest: Councillor Marsh declared a non-pecuniary interest as her son plays AFL for the Club. Councillor Marsh will remain in the room and debate and vote on the matter.

General Manager: Item 11.3.6 Review of Shipping Containers on Council Land Policy

Nature of Interest: The General Manager declared a non-pecuniary interest as his spouse was a party to an application for a development consent pursuant to the policy. The General Manager will remain in the room and any questions are to be answered by other staff.

6. Condolences

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

The Mayor also acknowledged the passing of Mr Henry Glazebrook Pilton, also known as Mick Pilton, who was a Councillor on Shellharbour Council from 1977 – 1991 and was Deputy Mayor from September 1980 until September 1981.

The Mayor also passed on her condolences on behalf of Council to the families of the victims of the hostage siege yesterday.

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Mrs Margaret Amos	of	Albion Park
Mr Henry Glazebrook Pilton	of	Barrack Heights
Mrs Joy Emily Millership	of	Barrack Heights
Mrs Ruzica Jasic	of	Blackbutt
Mrs Margarete Rosmalen	of	Blackbutt
Mr Jonathon Edward Maurice Sopher	of	Mount Warrigal
Mr Kenneth Bennett	of	Oak Flats
Mr Robert John James	of	Shellharbour
Mrs Anne Harris	of	Warilla

417 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.*

Agenda Item No & Title	Name
11.1.1 Killalea State Park Trust - Appointment of Council's Ex-officio Delegate to the Trust Board	Sonya McKay
11.2.1 Shellharbour LEP 2013 Planning Proposal No. 3 - Adoption of Planning Proposal for Lots 1 & 3 DP 1144885, Dunmore Road, Dunmore	Michael Rodger - withdrew

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11.3.3 Establishment of the Lake Illawarra Estuary Management Committee	Colin Wilton
11.3.4 Proposed Agreement to Lease and Lease Agreement with Toll Group Services Pty Ltd	Steve Graham (Toll Group) - withdrew Peter Petito (Toll Group) Sonya McKay
11.3.8 Funding for the Links Business Plan	Sonya McKay

418 RESOLVED: Marsh/Rankin

That Standing Orders be suspended in order for Items 11.1.1, 11.3.3, 11.3.4 and 11.3.8 the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

11.1.1 Killalea State Park Trust - Appointment of Council's Ex-officio Delegate to the Trust Board (10324091)

MOTION: Rankin/Murray

That the Mayor be appointed as Council's ex-officio member of the Killalea State Park Trust Board for the term commencing 20 January 2015 and expiring 19 January 2016.

Councillor Moran MOVED a POINT of ORDER that it is more appropriate to pass the recommendation and then for Council to choose a representative to go on the Board as a motion in business arising. The Mayor ruled against the POINT of ORDER and stated that a Councillor can move any recommendation they wish.

Councillor Marsh FORESHADOWED a MOTION that should the motion be lost, she would move that Councillor Peter Moran be appointed as Council's ex-officio member of the Killalea State Park Trust Board for the term commencing 20 January 2015 and expiring 19 January 2016.

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The Mayor called Councillor Stewart to order during her address and asked her to address the item on the business paper and not address individuals. Councillor Moran MOVED a POINT of ORDER that Councillor Stewart was addressing the item. The Mayor ruled that it was not a POINT of ORDER and stated that Councillor Stewart was being personal and the Code of Meeting Practice contains clear instructions in relation to personal attacks. The Mayor then requested Councillor Stewart to continue her address.

419 RESOLVED: Rankin/Murray

That the Mayor be appointed as Council's ex-officio member of the Killalea State Park Trust Board for the term commencing 20 January 2015 and expiring 19 January 2016.

CARRIED 4/3

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

11.3.3 Establishment of the Lake Illawarra Estuary Management Committee (10304103)

MOTION: Murray/Marsh

1. That pursuant to the Lake Illawarra Estuary Management Committee.
2. That Council appoint three representatives to the Lake Illawarra Estuary Management Committee.
3. That Council agree to jointly appoint an Aboriginal member and two scientific representatives with Wollongong City Council.
4. That the General Manager or his delegate appoint 2 community representatives.

The Mayor referred to an email forwarded to Councillors today requesting the following alteration to the recommendation for clarification purposes:

That pursuant to the Lake Illawarra Estuary Management Committee guiding principles:

1. That Council appoint the Mayor and two Councillors to the Lake Illawarra Estuary Management Committee.
2. That Council agree to jointly appointment an Aboriginal member and two scientific representatives with Wollongong City Council.

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3. That the General Manager or his delegate appoint 2 community representatives.

The Mayor asked if Councillor Murray was moving the amended recommendation and he stated that he was moving the recommendation as printed in the business paper. Councillor Marsh MOVED a POINT of ORDER that Councillor Murray can move any motion that he wishes. The Mayor clarified that the amendment was sought to enable the recommendation to be in line with Wollongong City Council's resolution. Councillor Moran MOVED a POINT of ORDER that Councillor Murray moved the motion as printed in the business paper and if the motion fails, then someone else will then have the opportunity to move an alternate motion. The Mayor clarified that the recommendation in the business paper does not match the information contained in the report and that is the reason why a memo was forwarded to Councillors to clarify this.

420 RESOLVED: Murray/Marsh

1. That pursuant to the Lake Illawarra Estuary Management Committee.
2. That Council appoint three representatives to the Lake Illawarra Estuary Management Committee.
3. That Council agree to jointly appoint an Aboriginal member and two scientific representatives with Wollongong City Council.
4. That the General Manager or his delegate appoint 2 community representatives.

CARRIED UNANIMOUSLY

Business Arising

MOTION: Murray/Rankin

That the Mayor and two Councillors be the representatives to the Lake Illawarra Estuary Management Committee.

The following nominations were received for the two Councillor representatives:

Councillor Boyle nominated Councillor Stewart

Councillor Moran nominated Councillor Marsh

Councillor Stewart nominated Councillor Boyle

The Mayor confirmed that there were three nominations received for two positions. Councillor Moran MOVED a POINT of ORDER that Councillor Murray nominated the

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Mayor but that does not mean that her nomination will be automatically accepted as other Councillors have been nominated. The Mayor clarified that Councillor Murray's recommendation is that the Mayor be one of the nominated representatives.

Councillor Marsh withdrew her nomination.

421 RESOLVED: Murray/Rankin

That the Mayor and two Councillors be the representatives to the Lake Illawarra Estuary Management Committee.

CARRIED 4/3

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

Business Arising

The Mayor confirmed the nominations received for Councillor Stewart and Councillor Boyle.

422 RESOLVED: Murray/Marsh

That Councillor Stewart and Councillor Boyle be the two Councillor representatives to the Lake Illawarra Estuary Management Committee.

CARRIED UNANIMOUSLY

11.3.4 Proposed Agreement to Lease and Lease Agreement with Toll Group Services Pty Ltd (10317399)

423 RESOLVED: Rankin/Marsh

1. That Council enter into an Agreement to Lease and Lease agreement for the occupation of Part of Lot 10 in Deposited Plan 1157377 Illawarra Regional with Toll Group Services Pty Limited.
2. The term of the Lease agreement is to be for a period of fifteen (15) years by way of three consecutive and independent leases each of five years duration.
3. That the Mayor and General Manager or his nominated delegate be authorised to sign the documentation associated with the Agreement to Lease and Lease Agreement for part of Lot 10 in Deposited Plan 1157377, under Council Seal.

CARRIED UNANIMOUSLY

11.3.8 Funding of the Links Business Plan (10317904)

424 RESOLVED: Murray/Rankin

1. That Council approve the \$2.5 million funding for the Links Golf Course business plan from the following internal restrictions:
 - Capital Development and Investment Fund
 - Shell Cove Admin Fee Income Restriction
 - Interest Income Restriction
2. That the bridging funding be repaid to Council on the basis of an internal loan and that an interest rate of 6% be charged.
3. That Council approve the sale of the residential block at the Links to fund the implementation of the Business Plan.

CARRIED 5/2

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

425 RESOLVED: Rankin/Murray

That Standing Orders be resumed and that the meeting be adjourned for 5 minutes.

CARRIED 6/1

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

Meeting adjourned at 7.44pm

Meeting resumed at 7.49pm

8. Mayor's Statements / Reports / Presentations

Councillor Stewart returned to the Chamber at 7.50pm

The Mayor outlined the following events she has attended since the last Council Meeting:

3/12/14 Greenacres Disability Services Graduation Ceremony for the Joblink Transition to Work Program

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- 4/12/14 GM & Directors Convention Local Government NSW Christmas Reception
- 5/12/14 Stella Maris Catholic Primary School Assembly
ALGWA Conference - Executive and WCC committee meeting
Shellharbour Anglican College - 11th Annual Presentation Evening - Senior School
- 6-7/12/14 2014 International Childrens' Games
- 9/12/14 Cheque handover to St Vincent de Paul Society for Mayor's Giving Tree
Oak Flats High School - Annual Awards Presentation Day
- 10/12/14 Shellharbour Public School Assembly - Community Service Award
Young Womens Health Day
RDA Illawarra Board Meeting & Christmas Party
Mount Kosciuszko Summit Camp Challenge - PCYC Aboriginal Youth Leadership
Nazareth Catholic Primary School Assembly
- 11/12/14 Albion Park Rail Public School - Year 6 Farewell Assembly
Opening of Warrigal Care new service Club Connect
St.Paul's Catholic Primary School
- 12/12/14 Flinders Public School Assembly - Community Service Awards
Tullimbar Public School Assembly - Community Service Awards
Carols by Candlelight
- 15/12/14 Warilla Public School Assembly - Community Service Award
Tourism Shellharbour Board Christmas Lunch
- 16/12/14 Aged and Disability Service Shellharbour Volunteer Christmas Lunch

The Mayor thanked her fellow Councillors for their attendance on her behalf to present the Community Service Award at local schools.

The Mayor also recognised the work of Council staff and wished them a Merry Christmas.

9. Councillors' Reports

Councillor Stewart stated that she had the privilege of meeting the new Governor of New South Wales David Hurley with Councillor Marsh. Councillor Stewart also passed on her thanks to staff and wished her fellow Councillors, the Public Gallery, staff and media a Merry Christmas.

Councillor Marsh stated that the Lake Illawarra Domestic Violence Service has had their funding extended until 2016 and thanked Councillors and staff for their assistance. Councillor Marsh also outlined her attendance at the Young Womens Health Day.

10. Mayoral Minutes

10.1 Mayoral Minute - Public Address (10324065)

MOTION: Mayor Saliba

That a proposal to have Public Address on the day before Council meetings be included with the proposed amendments to the Code of Meeting Practice currently on public exhibition as follows:

1. Clause 13.2.1 of Council's Code of Meeting Practice in relation to Addresses to Council be deleted and replaced with the following proposal:
 - 13.2.1 Addresses to Council will be held on the Monday preceding the Ordinary Council Meeting day from 5.00pm – 6.30pm. People registering to address the Council must make contact with Council's Executive Services Department at the Administration Centre, Lamerton House, Shellharbour City Centre no later than 10.00am on the Monday preceding the Council Meeting (the day of the Addresses to Council forum). Registration can either be by phone (4221 6111) or in person.
2. Clauses 13.2.6 and 13.2.7 needs to be amended to read:
 - 13.2.6 Those people who have been registered to be heard by a meeting are to be requested to provide supporting documentation, if any, by 10.00am **on the day of the Addresses to Council forum** and the General Manager is to arrange for it to be circulated to Councillors at the earliest convenient opportunity.
 - 13.2.7 People addressing the Council may also seek to support their address by using audio and/or visual aids but only in circumstances where arrangements have been made with staff at the time the person registers to address the meeting **by 10.00am on the Monday Addresses to Council forum** and all subsequently approved by the Mayor and General Manager. Council equipment may be used for this purpose (if available) but this is also subject to arrangements being made with staff at the time of registration.

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Councillor Marsh MOVED a POINT of ORDER in relation to the Mayor taking a right of reply for a Mayoral Minute. The Mayor clarified that she was entitled to a right of reply if there are speakers against.

426 RESOLVED: Mayor Saliba

That a proposal to have Public Address on the day before Council meetings be included with the proposed amendments to the Code of Meeting Practice currently on public exhibition as follows:

1. Clause 13.2.1 of Council's Code of Meeting Practice in relation to Addresses to Council be deleted and replaced with the following proposal:

13.2.1 Addresses to Council will be held on the Monday preceding the Ordinary Council Meeting day from 5.00pm – 6.30pm. People registering to address the Council must make contact with Council's Executive Services Department at the Administration Centre, Lamerton House, Shellharbour City Centre no later than 10.00am on the Monday preceding the Council Meeting (the day of the Addresses to Council forum). Registration can either be by phone (4221 6111) or in person.

2. Clauses 13.2.6 and 13.2.7 needs to be amended to read:

13.2.6 Those people who have been registered to be heard by a meeting are to be requested to provide supporting documentation, if any, by 10.00am **on the day of the Addresses to Council forum** and the General Manager is to arrange for it to be circulated to Councillors at the earliest convenient opportunity.

13.2.7 People addressing the Council may also seek to support their address by using audio and/or visual aids but only in circumstances where arrangements have been made with staff at the time the person registers to address the meeting **by 10.00am on the Monday Addresses to Council forum** and all subsequently approved by the Mayor and General Manager. Council equipment may be used for this purpose (if available) but this is also subject to arrangements being made with staff at the time of registration.

CARRIED 4/3

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

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11. Reports

11.1 General Manager

11.1.1 Killalea State Park Trust - Appointment of Council's Ex-officio Delegate to the Trust Board (10324091)

This item was considered following Addresses to Council (refer Resolution No. 419).

11.2 City Outcomes Directorate

11.2.1 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 3 - Adoption of Planning Proposal for Lots 1 & 3, DP 1144885, Dunmore Road, Dunmore (10316096)

427 RESOLVED: Murray/Marsh

That Council:

1. adopt the Zoning & Planning Controls for Shellharbour Local Environmental Plan 2013 Planning Proposal No 3 as shown in Attachment 2
2. authorise the General Manager to forward the revised Planning Proposal as outlined in Attachments 2 & 3 to the Minister for Planning under section 58(2) of the *Environmental Planning & Assessment Act 1979*
3. 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*
4. 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 Animal Management Services Deed with the RSPCA (10316846)

MOTION: Rankin/Murray

That Council enter into an agreement with the RSPCA to provide impound services for a further three years.

428 RESOLVED: Marsh/Moran

That Councillor Stewart be given a 2 minute extension to conclude her address.

CARRIED UNANIMOUSLY

Councillor Marsh asked how many animals from Shellharbour have been euthanized by the RSPCA over the last 12 months. The General Manager took the Question on Notice.

429 RESOLVED: Rankin/Murray

That Council enter into an agreement with the RSPCA to provide impound services for a further three years.

CARRIED UNANIMOUSLY

11.2.3 Illawarra 200 - List of Activities (10317835)

430 RESOLVED: Moran/Murray

That Council adopt the list of Shellharbour City Council events in support of Illawarra 200 with the exception of the first event.

CARRIED UNANIMOUSLY

11.3 Corporate Policy Directorate

11.3.1 Albion Park Cemetery (10313694)

431 RESOLVED: Marsh/Boyle

1. That Council endorse the Albion Park Cemetery Master Plan to be placed on public exhibition for a period of 42 days inviting submissions from members of the public during that period.
2. That if any submissions are received, a further report be presented to Council outlining the submissions. Should no submissions be received, Council adopt the Albion Park Cemetery Master Plan as shown on the Attachment.
3. That Council allocate \$99,084 (plus any further interest earnings) of Section 94 Developer Funds towards Stage 1 of the Albion Park Cemetery Master Plan works.

4. That the further stages of the Albion Park Cemetery be funded through the Council's Asset Improvement Program roads allocation and the Long Term Financial Plan.

CARRIED UNANIMOUSLY

11.3.2 Draft Master Plan for Albion Park Showground / Keith Grey Oval / Des King Oval, Tongarra Road Albion Park (10321105)

432 RESOLVED: Stewart/Marsh

That:

1. Council commence direct consultation with adjoining land owners within 800m of the Albion Park Showground.
2. Council commence the formal process including advertising and public exhibition of the draft Master plan for Albion Park Showground, Tongarra Road.
3. Provided no objections are received, Council adopt the draft Master plan for Albion Park Showground, Tongarra Road Albion Park.
4. Council prepare a Conservation Management Plan (CMP) for the whole of the Albion Park Showground.
5. Council resolve to prepare and lodge a Development Application for the removal of the Stables in the north eastern corner of the Albion Park Showground.

CARRIED UNANIMOUSLY

11.3.3 Establishment of the Lake Illawarra Estuary Management Committee (10304103)

This item was considered following Addresses to Council (refer Resolution No. 420, 421 and 422).

11.3.4 Proposed Agreement to Lease and Lease Agreement with Toll Group Services Pty Ltd (10317399)

This item was considered following Addresses to Council (refer Resolution No. 423).

11.3.5 New Licence Agreement with Shellharbour Juniors Football Club at Myimbarr Community Park, Wattle Road, Shellharbour (10313163)

Note: Councillor Marsh declared a non-pecuniary interest in relation to Item 11.3.5 and remained in the Chamber.

433 RESOLVED: Saliba/Marsh

1. That Council commence the formal process to enter into a licence agreement with Shellharbour Juniors Football Club for a period of twelve (12) months, including advertisement of the proposals.
2. That provided no submissions are received, Council enter into a licence agreement with Shellharbour Juniors Football Club for a period of twelve (12) months, for the occupation of buildings as defined on the attached diagram, at an annual rental of \$1,000.00 or \$500.00 per sporting season.
3. That the Mayor and General Manager or designated officer be authorised to sign the licence agreements.

CARRIED UNANIMOUSLY

11.3.6 Review of Shipping Containers on Council Land Policy (10318475)

434 RESOLVED: Murray/Rankin

That Council adopt the policy titled Shipping Containers on Council Land attached to this report.

CARRIED UNANIMOUSLY

11.3.7 The Links - Establishment of a Project Control Group (10305385)

435 RESOLVED: Murray/Rankin

That Council:

1. Adopt the governance structure outlined in Figure 1.
2. Endorse the formation of a Project Control Group (PCG).
3. Appoint three Councillors to the Project Control Group (PCG)

CARRIED UNANIMOUSLY

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Business Arising

MOTION: Murray/Marsh

That the Mayor Councillor Saliba, Councillor Murray and Councillor Marsh be appointed as the representatives to The Links Project Control Group.

Discussion took place on other nominations and method of voting, however, as there was a motion on the floor this needed to be dealt with first.

436 RESOLVED: Murray/Marsh

That the Mayor Councillor Saliba, Councillor Murray and Councillor Marsh be appointed as to the representatives to The Links Project Control Group.

CARRIED 5/2

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

437 RESOLVED: Saliba/Murray

That Councillor Rankin be appointed as a representative to The Links Project Control Group in place of the Mayor Councillor Saliba.

CARRIED 5/2

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

11.3.8 Funding of the Links Business Plan (10317904)

This item was considered following Addresses to Council (refer Resolution No. 424).

11.4 Shellharbour Enterprises Directorate

11.4.1 Shell Cove Progress Report to 7 December 2014 (10289964)

438 RESOLVED: Murray/Boyle

1. That the progress report for the period from 15 September 2014 to 7 December 2014 for the Shell Cove Project be received and noted.

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2. That the Mayor and the General Manager, or his nominated delegate, be authorised to sign the Subdivision Plan and 88B Instrument for the subdivision of Lots 7010 & 7064 DP 1012373, and any documents associated with the Community Scheme Plans and the sale (including the Transfers) of proposed lots CN7001 to CN7008 (Stage 7 (7010)), under Council Seal.
3. That the Mayor and the General Manager, or his nominated delegate, be authorised to sign the Subdivision Plan and 88B Instrument for the subdivision of Lot 1278 DP 1175512, and any documents associated with the Community Scheme Plans and the sale (including the Transfers) of proposed lots CN1601 to CN1624 (Stage 10D3), under Council Seal.
4. That the Mayor and the General Manager, or his nominated delegate, be authorised to sign the Subdivision Plan and 88B Instrument for the subdivision of Lot 1277 DP 1175512, and any documents associated with the sale (including the Transfers) of proposed lots 1701 to 1724 (Stage 10D4), under Council Seal.

CARRIED UNANIMOUSLY

12. Committee Recommendations

12.1 Recommendations from the Disability Access Committee Meeting held 26 November 2014 recommended for adoption.

439 RESOLVED: Marsh/Stewart

That the Recommendations from the Disability Access Committee Meeting held 26 November 2014 be adopted.

CARRIED UNANIMOUSLY

12.2 Recommendations from the Australia Day Committee Meeting held 26 November 2014 recommended for adoption.

440 RESOLVED: Marsh/Boyle

That the Recommendations from the Australia Day Committee Meeting held 26 November 2014 be adopted.

CARRIED UNANIMOUSLY

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12.3 Recommendations from the Traffic Committee Meeting held 3 December 2014 recommended for adoption.

441 RESOLVED: Stewart/Marsh

That the Recommendations from the Traffic Committee Meeting held 3 December 2014 be adopted and that the apology from the Member for Shellharbour's representative Mrs Moira Hamilton be dealt with at the next Traffic Committee Meeting.

CARRIED UNANIMOUSLY

13. Items for Information

13.1 Response to Questions on Notice Submitted by Cr Peter Moran: Tender Weighting for Apprentices (10315224)

The item for information was formally noted.

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

Nil

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

Nil

17. Urgent Business

Nil

18. Committee of the Whole in Closed Session: Adjournment

The Mayor asked whether any members of the Public Gallery wished to speak on the reasons why Items 4.1, 4.2, 4.3 or 4.4 should not be held in Confidential Session (closed to the public). One member of the public expressed their interest in addressing the Council.

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442 RESOLVED: Rankin/Marsh

That members of the Public be permitted to address Council on the reasons why Items 4.1, 4.2, 4.3 or 4.4 should not be held in Confidential Session (closed to the public).

CARRIED UNANIMOUSLY

Agenda Item No & Title	Name
4.1 The Links Shell Cove (10317697)	Sonya McKay
4.2 Offer to Purchase Council Land - Lot 522 DP1168919 Braemar Street Tullimbar (10317751)	
4.3 Request for Review of Determination (10320483)	
4.4 The Waterfront Shell Cove Land Purchase Option No. 2 (10322716)	

During Sonya McKay's address, Councillor Moran MOVED a POINT of ORDER in relation to the Mayor's comment that Ms McKay was not being relevant and moved dissent from the Mayor's ruling.

MOTION: Moran/Marsh

That the Mayor's ruling be dissented from.

443 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

444 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) and (ii), (e), (g) and (i) of the Act as outlined above.

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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 4/3

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

Meeting adjourned at 9.41 pm

Meeting resumed at 10.36 pm

445 RESOLVED: Saliba/Murray

That Council call an urgent Extraordinary Meeting immediately following the closure of the open Ordinary Council Meeting on 16 December 2014 to consider the remaining agenda items not concluded/resolved from Council's Meeting agenda listed for 16 December 2014 (refer to Attachment 1).

CARRIED 4/2

FOR VOTE – Cr Saliba, Cr Murray, Cr Rankin, Cr Boyle
AGAINST VOTE – Cr Stewart, Cr Marsh
ABSENT. DID NOT VOTE – Cr Moran

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

The following Recommendation to Council from the Committee of the Whole Council (confidential) were read to the Meeting by the Director Shellharbour Enterprises

4.3 Request for Review of Determination (10320483)

COMMITTEE RECOMMENDATION:

That Council deny the expenses claim made under Council's Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy as a result of the claim not complying with clause 2.2.1 of the Policy.

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

4.1 The Links Shell Cove (10317697)

COMMITTEE RECOMMENDATION:

1. That the residential land be sold with a development consent.
2. That the residue of money from the sale of land less the business plan implementation costs be put into a capital backing fund available for funding of operational deficits if required in the future.
3. That the Draft Business Plan be noted.

4.2 Offer to Purchase Council Land - Lot 522 DP 1168919 Braemar Street Tullimbar (10317751)

COMMITTEE RECOMMENDATION:

1. That Council enter into a Put and Call Option Deed for Lot 522 DP 1168919, Braemar Street Tullimbar with the purchaser named in the Report for the amount of \$13.3 Million GST Inclusive.
2. That the Mayor and General Manager, or his nominated delegate, be authorised to execute under Council Seal the Put and Call Option Deed or any other associated documentation for Lot 522 in DP1168919, Braemar Street, Tullimbar.
3. That the commercial terms and the proposed purchaser be keep confidential until the Put and Call Option Deed is executed.

446 RESOLVED: Murray/Boyle

That the Recommendations to Council from the Committee of the Whole Meeting held earlier today be adopted

FOR VOTE - Cr Boyle, Cr Saliba, Cr Moran, Cr Murray, Cr Rankin

AGAINST VOTE - Cr Stewart, Cr Marsh

ABSENT. DID NOT VOTE – Cr Moran

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

Nil

Meeting closed 10.41 pm

Attachment 1: Request for Extraordinary Meeting

Attachment 1: Request for Extraordinary Meeting

That Council call an Urgent Extraordinary meeting immediately following the closure of the Open Ordinary Council Meeting on 16.12.14 to Consider the remaining Agenda items not concluded/resolved from Councils meeting Agenda listed for 16.12.14.

Marianne Dalida

