

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 12 June 2007 commencing at 5.45 pm**

**Present**

His Worship the Mayor	Councillor D Hamilton
A Ward	Councillor M Greig Councillor T Hawker
B Ward	Councillor H Stewart Councillor C Jeffreys
C Ward	Councillor D Briggs
D Ward	Councillor J Leedham Councillor T Hore
E Ward	Councillor C Mifsud Councillor G Rose
F Ward	Councillor B Bird Councillor H Gillett

**In attendance**

General Manager	B A Weir
Director of Operations & Services	A Webster
Director of Community Planning & Strategies	P O'Rourke
Director Shell Cove Business Unit	P Woodcock
Group Manager Community Services & Devel.	L Campbell
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 Development Services	G Mitchell
Manager Executive Offices	F MastroDomenico
Manager Media & Communications	B Parker
Executive Assistant	J Frasca

## **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 Bailey.

243 RESOLVED: Mifsud/Briggs. That the apology as tendered be accepted.

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Councillor Rose asked the General Manager a question based on a comment made in public participation earlier this afternoon in relation to Item 2.2 in the Committee of the Whole Council Meeting (Confidential) Business Paper. He asked the General Manager whether the heading is legal, as it does not identify the land or what it is to be used for.

The General Manager responded by stating that in his view it was legal. The reasons for identifying the matter as it was in the business paper and it being in confidential was stated in the business paper. The General Manager further stated that the Department of Local Government has investigated Council's processes of going into confidential session and had agreed that we were correct in our processes.

### **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 2007/19 - Supply of Used Wheel Loader (8738708)**

#### **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 Purchase of Land (8737252)**

#### **Reason for Confidentiality**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) (c) & (d) 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 has been classified as commercial because Council is yet to enter into an exchange of contract for the purchase of the land.

Publication at this time of Council's intention would not be in the public interest because it is possible that other parties may seek to purchase the same property for commercial advantage. This could result in a higher purchase price or the site being unavailable.

**2.3 Tender 2005/1 - Dunmore Waste Depot Sand Dredging Operation (8739767)**

**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 Council will not make their details public. 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.

244 RESOLVED: Rose/Briggs

1. That Council resolve into Committee of the Whole 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) 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 5.50pm**

**Meeting resumed at 7.20pm**

**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 2007/19 - Supply of Used Wheel Loader (8738708)**

1. That the Council accepts the tender of Westrac for the supply of a Caterpillar 962 G front-end loader at the tendered price of \$201,000 subject to a satisfactory inspection report.
2. That the purchase of the used Caterpillar 962 G front-end loader be funded from the Plant Replacement Program in the 2006/2007 Budget.
3. That Council's Komatsu front-end loader and Liebherr excavator be sold.

**2.2 Purchase of Land (8737252)**

1. That Council enter into a conditional contract for the purchase of land described in the Committee of the Whole (Confidential) report.
2. That Council claim an input tax credit on the GST component of the purchase price as detailed in the Committee of the Whole (Confidential) report.
3. That Council enter into the conditional contract for the purchase of the subject lot:
  - settlement date being 7 July 2008
  - Council adopting a revised City Centre Development Control Plan and Masterplan for the Shellharbour City Centre and that Civic/Administration/Community Buildings be permitted uses on the land under the revised Development Control Plan and Masterplan
  - Independent investigations being undertaken into any geotechnical or contamination restriction on land development
4. That the subject Lot be classified as Operational land within the meaning of the *Local Government Act 1993* following settlement.
5. That the Mayor and General Manager be authorised to sign any documentation relating to the land sale including Seal of Council where necessary.

**2.3 Tender 2005/1 - Dunmore Waste Depot Sand Dredging Operation (8739767)**

That Council receive and note this information.

**Matter Arising**

That prior to the end of the contract Council investigate the option of Council running its own operation and that this be reported back to Council.

- 245 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 Ordinary Meeting 22 May 2007**

246 RESOLVED: Briggs/Leedham That the Minutes of the Ordinary Council Meeting held on 22 May 2007 be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

##### **4.2 Committee of the Whole 22 May 2007**

247 RESOLVED: Hawker/Rose That the Minutes of the Committee of the Whole Council Meeting held on 22 May 2007 be deferred to the next meeting of Council.

Councillor Hawker asked whether the Aboriginal Committee minutes could be moved forward and considered here in the agenda. The General Manager responded that they could be considered after the condolences were read out to the meeting.

#### **5. Pecuniary Interest**

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

**Councillor Greig:** Item 16.1 Notice of Motion submitted by Councillor Mifsud.

**Nature of Interest:** Councillor Greig owns land in the area of discussion.

#### **6. Condolences**

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

Mr Malcolm Bennett	of	Albion Park
Mr William Avon Dunster	of	Albion Park
Mr Geoffrey Charles Mayo	of	Albion Park
Mr Michael Jeffrey (Jethro) Meredith	of	Albion Park
Mr Gerhard Alfred (Gerry) Naujok	of	Albion Park
Mrs Carol Anne Thompson	of	Albion Park
Mr Robert (Bob) Erskine	of	Albion Park Rail
Mrs Evangelia Pergamvrakis	of	Albion Park Rail
Mr Victor Kenneth Collingridge	of	Barrack Heights

Mr Roy Joseph Hewitt	of	Flinders
Mr Louis (Tom) Chapman	of	Lake Illawarra
Mrs Virginia (Dolly) Ricks	of	Lake Illawarra
Mrs Phyllis Beatrice O'Keefe	of	Mt Warrigal
Mr Kevin Graeme Wray	of	Mt Warrigal
Mrs Elizabeth (Libby) (nee Hodgson, Vardy)	of	Oak Flats
Mrs Selina Jane Pooley	of	Oak Flats
Mrs Betty Henriksen	of	Shellharbour
Mr Francis (Frank) Webb	of	Shellharbour
Mr Gerry (Gerardo) Cappetta	of	Warilla
Mrs Violet May Hobbs	of	Warilla

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

249 RESOLVED: Hawker/Jeffreys

That Item 14.1 Recommendations from the Aboriginal Advisory Committee meeting held 29 May 2007 recommended for adoption be brought forward and considered here in the agenda.

#### **14.1 Recommendations from the Aboriginal Advisory Committee Meeting held 29 May 2007 recommended for adoption.**

Councillor Bird thanked the speakers in public participation who spoke earlier in the evening to support this matter. He requested that as a matter arising that all Councillors be provided with copies of any documents pertaining to Aboriginal issues for example heritage studies, Statement of Commitment. He further requested that cultural awareness training be provided for all incoming councillors as well as the current Council.

The General Manager stated that all new Council employees attend a Staff Induction and during this induction cultural awareness is emphasised.

250 RESOLVED: Jeffreys/Bird. That the Recommendations to Council from the Aboriginal Advisory Committee Meeting held 29 May 2007 be adopted.

CARRIED UNANIMOUSLY

## **7. Presentations**

Nil

**8. Mayoral Minutes**

Nil

**9. Councillors' Reports**

**9.1 Australian Local Government Women's Association Annual Conference, Lismore 3-6 May 2007 (8732553)**

251 RESOLVED: Rose/Hore

That Council receive and note this Report.

CARRIED UNANIMOUSLY

**10. General Manager's Office**

**10.1 Call for Nominations for Membership to the Lake Illawarra Authority (8740171)**

252 RESOLVED: Hawker/Briggs

That Council nominate a panel of three Councillors for consideration by the Minister for Climate Change, Environment and Water for full time membership to Lake Illawarra Authority for the period 1 September 2007 to 31 August 2009.

Councillor Hawker nominated Councillor Leedham, Councillor Hore and Councillor Briggs.

Councillor Rose nominated Councillor Leedham, Councillor Briggs and Councillor Mifsud.

An election was held on the two sets of nominations.

Councillor's Hawker's nomination received nine votes and Councillor Rose's nomination received three votes.

The Mayor declared that the three Councillors to be nominated for consideration by the Minister for Climate Change Environment and Water be Councillor Leedham, Councillor Hore and Councillor Briggs. He further stated that Council would indicate its preference for Councillor Leedham, as he is the current delegate to the Lake Illawarra Authority.

**11. Operations & Services Division**

**11.1 DA No. 125/2006 - Lot 1, DP 711947, 19 Addison Street, Shellharbour - Section 82A Review (8736406)**

253 RESOLVED: Rose/Mifsud

That the Council consider the request to review the determination of Development Application No. 125/2006 under Section 82A of the *Environmental Planning & Assessment Act 1979*, as amended, and resolve to approve the application for the construction of a two storey commercial building at Lot 1, DP 711947, 19 Addison Street, Shellharbour subject to the 52 conditions following the conclusion.

CARRIED UNANIMOUSLY

**11.2 DA No. 10/2007 - Lot 3, DP 717776, Riverside Drive, Dunmore - Designated Integrated Development, Equestrian Stables, Sheds and Exercise Yards (8737880)**

MOTION: Hawker/Rose That this matter be deferred for not longer than one month.

Councillor Bird FORESHADOWED the following MOTION:

That the Council refuse Development Application No. 10/2007 for a Designated Integrated Development comprising equestrian stables, sheds and exercise yards at Lot 3, DP 717776, Riverside Drive, Dunmore under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the following reason.

1. The development is contrary to and unable to satisfy the terms of the Concurrence issued by the Department of Planning as set out in its letter of 24 April 2007.

The Mayor advised the Councillors of receipt of letter from the applicant's consultant late this afternoon seeking a deferral of this matter.

Councillor Jeffreys asked the Manager Development Services if a new Development Application needs to be lodged now that it has been changed to a commercial venture.

In response to that question the Manager Development Services advised that when the Development Application was lodged it was described in a particular manner and based on that the Department of Planning gave their concurrence. Since that time the developer has described the activity to incorporate a commercial element which changed the nature of the application and that is why the Department of Planning is now saying that it doesn't concur.

Councillor Rose MOVED a POINT of ORDER and stated that Councillor Jeffreys was being misleading, as the Council report doesn't say the applicant needs to submit a new Development Application.

The Mayor stated that there is no point of order and that Councillor Jeffreys is entitled to ask a question.

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Councillor Hore stated that he found it ironic that Councillors who were against deferral of this matter at last meeting are seeking deferral this time.

Councillor Mifsud MOVED a POINT of ORDER and stated that Councillor Hore should get his facts right as Councillors were told of late information being received at the last meeting and it couldn't be analysed before the matter was considered by Council that night.

The Mayor did not allow the Point of Order.

The MOTION was then PUT. The Mayor declared the Motion LOST on his casting vote.

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

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

254 The foreshadowed MOTION then became the MOTION and was subsequently PUT. The Mayor declared the Motion CARRIED on his casting vote.

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

AGAINST VOTE - Cr Greig, Cr Hawker, Cr Briggs, Cr Mifsud, Cr Rose, Cr Stewart

### **11.3 DA No. 98/2007 - Lot 34, DP 236606, 294 Shellharbour Road, Barrack Heights - Carport (8738170)**

255 RESOLVED: Rose/Hore

That the Council approve Development Application No. 98/2007 for the construction of a carport at Lot 34, DP 236606, 294 Shellharbour Road, Barrack Heights under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 20 conditions following the conclusion of this report.

CARRIED UNANIMOUSLY

### **11.4 DA No. 113/1999 (Pt 3) - Lot 251, DP 622393, 160 Tongarra Road, Albion Park - Amendment to Hours of Use of Club Outdoor Areas (8738456)**

The Mayor advised that he received a letter from the R.S.L. Club stating that due to a computer problem they had missed the deadline for public participation and requested that this matter be deferred to the next meeting.

Councillor Briggs MOVED that this matter be deferred to the next meeting of Council. This MOTION lapsed for want of a seconder.

Councillor Greig then moved a MOTION that the recommendation as printed in the report be adopted.

Councillor Rose FORESHADOWED a further MOTION that the northern terrace be allowed on a six month trial period as a point 6 to the recommendation. Councillor Greig stated that she was happy to accept this condition in her motion.

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The Mayor asked the Manager Development Services if Council is allowed to part approve a Development Application.

In response to the Mayor's question the Manager Development Services advised that it is all or nothing. Council cannot selectively approve part of a Development Application and refuse the other part. He also stated that staff had approached the Club and requested them to remove the western side terrace and outdoor area from the application but they had requested that the application be dealt with as submitted.

MOTION: Greig/Jeffreys

That the Council refuse Development Application No. 113/1999(Pt 3) to increase the hours of use of the outdoor areas at Lot 251, DP 622393, 160 Tongarra Road, Albion Park under Section 80 of the *Environmental Planning & Assessment Act 1979* for the following reasons.

1. The acoustic report does not verify that the proposal will not cause unacceptable noise levels to occupants of adjoining and nearby residential properties.
2. The proposal will have a detrimental impact on the amenity of surrounding residential properties.
3. The proposal is not compatible with the adjoining residential zoned land.
4. Having regard to the proposed amendment to extend the hours of outdoor use, the site is not suitable.
5. The proposed development is not satisfactory and contrary to the public interest for the reasons listed above.

256 The MOTION on being PUT to the Meeting was CARRIED

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

AGAINST VOTE - Cr Briggs

### **11.5 DA No. 79/2007 - Lot 107, DP 831222, 14 Shearwater Boulevard, Albion Park Rail - Alterations & Additions to Dwelling for use as a Group Home (8739309)**

257 RESOLVED: Briggs/Hawker

1. That the Council seek concurrence of the NSW Department of Commerce to the imposition of 17 Conditions following the conclusion pursuant to the provisions of Section 116C of the *Environmental Planning & Assessment Act, 1979*, as amended.
2. That upon receipt of acceptance of the 17 conditions by the NSW Department of Commerce, the Council grant delegated authority to the General Manager to determine Development Application No. 79/2007 for the proposed alterations and additions to the dwelling at Lot 107, DP 831222, 14 Shearwater Boulevard, Albion Park Rail under Section 80 of the *Environmental Planning and Assessment Act, 1979*, as amended.

3. That following consultation with the NSW Department of Commerce, should the General Manager consider any variation sought to the conditions is warranted, that delegation be granted to make those variations.

CARRIED UNANIMOUSLY

**11.6 Draft Shellharbour City Foreshore Landscape Master Plan (8729868)**

258 RESOLVED: Briggs/Leedham

1. That the Council adopt the draft *Shellharbour City Foreshore Landscape Masterplan* for the purpose of public exhibition.
2. That a report be presented to the Council at the conclusion of the exhibition period outlining the submissions received.
3. That a Councillors' briefing be held after the exhibition period when Council staff have all information together, prior to it being reported back to Council.

CARRIED UNANIMOUSLY

**11.7 Review of Corporate Policy - Dealing with Difficult Customers (8728052)**

259 RESOLVED: Jeffreys/Gillett

That Council continue to support the existing Policy entitled "Dealing with Difficult Customers".

CARRIED UNANIMOUSLY

**11.8 Licence Agreement with SACYA - Oakleigh Park Tennis Court (8739655)**

260 RESOLVED: Rose/Greig

1. That Council enter into a licence agreement with Shellharbour Aboriginal Community Youth Association (SACYA) for the occupation of part lot 1, DP 180295, Oakleigh Park, Warilla for a term of two (2) years and one (1) month at a fee of \$1.00 per annum.
2. That the Seal of Council be affixed to the licence agreement with Shellharbour Aboriginal Community Youth Association (SACYA) for the occupation of part lot 1, DP 180295, Oakleigh Park, Warilla.

CARRIED UNANIMOUSLY

**11.9 Community Land Plan of Management - Lot 16, Section A, DP 11044 (8740669)**

261 RESOLVED: Briggs/Jeffreys

1. That in accordance with the *Local Government Act 1993*, (s38), the draft Plan of Management for Community Land for Lot 16, Section A, DP 11044 be placed on public exhibition for a period of not less than 28 days, but allowing a period of not less than 42 days after the date on which the draft plan is first placed on public exhibition, during which submissions may be made to the Council.
2. That following the public exhibition and submission stage, a further report be presented to Council for consideration of any submissions and the adoption or otherwise of the draft Plan of Management for Community Land for Lot 16, Section A, DP 11044.

CARRIED UNANIMOUSLY

**11.10 Corruption and Fraud Prevention Policy and Statement of Business Ethics (8719729)**

262 RESOLVED: Hawker/Briggs

1. That Council adopt and implement the attached Corruption and Fraud Prevention Policy and statement of Business Ethics.
2. That this Policy and Statement be publicised on Council's Web site and reviewed after one year of operation.

CARRIED UNANIMOUSLY

**12. Community Planning & Strategies Division**

**12.1 Affix Seal to Service Agreement NSW DoCS (8735824)**

Councillor Bird left the Chamber

263 RESOLVED: Greig/Jeffreys

1. That Council resolve to affix the Seal of Council to the 07/08 Service Agreement between NSW Department Community services and Council for the 07/08 Service Agreement between NSW Department Community services and Council.
2. That in addition, Council accept funding of \$70,000 to continue the Warilla Out of Hours Youth Project until June 2008 and that this amount be reflected in the 07/08 budget when adopted.

CARRIED UNANIMOUSLY

Councillor Bird returned to the Chamber.

**12.2 Shellharbour Comprehensive LEP 2009 - Update (8739215)**

264 RESOLVED: Hawker/Briggs

That Council send a letter to the Director General of the New South Wales Department of Planning, as follows:

1. Re-affirm its position that the Calderwood Delfin Lend Lease landholdings should, subject to State government agreement, be assessed for their urban potential through the preparation of a local environmental study for these landholdings as part of the preparation of the Comprehensive Shellharbour Local Environmental Plan.
2. Request that the Mayor organise a Council delegation to meet with the Minister for Planning to discuss Council's position on Calderwood and the implications of the Director General's letter of 15 May 2007.
3. The matter be reported back to Council once those discussions have occurred.

Further that the balance of the report be received and noted.

CARRIED UNANIMOUSLY

**12.3 Draft Shell Cove Development Control Plan Amendment 7 (8740170)**

Councillor Hawker left the Chamber.

265 RESOLVED: Briggs/Jeffreys

That Council

1. In accordance with Section 74C of the *Environmental Planning & Assessment Act*, resolve to prepare draft Shell Cove Development Control Plan (Amendment 7).
2. Resolve to exhibit the draft Development Control Plan for a minimum of 28 days.
3. Require a report back to Council after the exhibition period has closed that includes a summary of submissions received.

CARRIED UNANIMOUSLY

**13. Shell Cove Business Division**

Nil

**14. Committee Recommendations**

**14.1 Recommendations from the Aboriginal Advisory Committee Meeting held 29 May 2007 recommended for adoption.**

This matter was dealt with earlier in the Agenda. Refer to minute number 250.

Councillor Hawker returned to the Chamber.

**15. Notices of Rescission Motion**

Nil

**16. Notices of Motion**

**16.1 Notice of Motion submitted by Councillor Mifsud (8735796)**

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

During debate Councillor Rose read out the contents of a letter he had received from Mr Brian Fuller regarding concerns about rumours of the redevelopment of Fuller Park for housing.

The Mayor asked permission to speak from the Chair. The Councillors concurred. He advised that he was also contacted by the Fuller family approximately three months ago and that he had replied to them in writing assuring them that there were definitely no plans and have never been any proposed plans to redevelop Fuller Park for housing.

Councillor Stewart asked for clarity on whether it was permitted for Councillors to table letters at Council Meetings.

The Mayor stated that normally it is not permitted however he had already had correspondence from the Fuller family so he was aware of the contents of this letter and it would not bring anything new or of concern to the meeting, rather it clarified a rumour that was circulating in Shellharbour Village and it should be put to rest.

The General Manager also stated that there is a rule in place that no letters be tabled at Council meetings as some may be used to "ambush" other councillors or Council officers and create a difficult situation where a decision may not be able to be made at the meeting as the letters may contain or claim to contain information which had previously not been considered.

The Mayor again asked for permission to speak from the Chair. He advised the meeting that he had spoken to the Member for Shellharbour and that she has asked him to advise her of any sporting bodies which needed to apply for funding. He further stated that he would organise a meeting with the Member for Shellharbour within 7 days.

Councillor Jeffreys asked if she could second the motion.

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Councillor Mifsud MOVED a POINT of ORDER that Councillor Jeffreys was always contradicting everything he says.

Councillor Rose stated that she should be brought into order.

Councillors Jeffreys MOVED a POINT of ORDER that she objects to being called "she".

The Mayor did not allow the Points of Order and advised Councillor Jeffreys that Councillor Mifsud was the mover and Councillor Rose, the seconder, of the Motion.

266 RESOLVED: Mifsud/Rose

1. That Council allocate \$29,000 from Ward E Sportsfields allocation towards the refurbishment or construction of a new amenities block and two 300 seat grandstands at Ron Costello Oval.
2. That Council send a delegation (Council representatives and Shellharbour Sharks representatives) through the Member for Shellharbour to meet with the NSW Minister for Sport, Recreation & Tourism to seek grant funding.
3. That if the approach to the State Government is unsuccessful that this matter be referred back to Council for further consideration.

CARRIED UNANIMOUSLY

Councillor Greig here returned to the Chamber.

### **17. Items for Information**

#### **17.1 NSW Urban Sustainability Projects (8741168)**

267 RESOLVED: Hawker/Briggs

That Council receive and note the item for information.

CARRIED UNANIMOUSLY

**18. Questions without Notice**

- 268 Councillor Stewart** asked the General Manager if the Media & Communications Department is available to service all Councillors or only looks after the interests of the Mayor, as the City's elected leader.

The General Manager responded that the Media & Communications Department is only available to the Mayor as the elected member authorised to speak on behalf of Council.

- 269 Councillor Stewart** asked the General Manager if he could clarify the position of Deputy Mayor.

The General Manager responded that "Deputy Mayor" is a title not a position and under the Local Government Act it is only a position when the Mayor is away and/or authorises the Deputy Mayor to act on his behalf.

- 270 Councillor Stewart** asked whether it would be possible to hold Councillor briefings with Council Officers and Developers, prior to a Development Application being lodged with Council and/or coming before Council for consideration.

The General Manager responded that with Development Applications he would counsel strongly against Councillors meeting with developers prior to the Development Application coming before Council for consideration, as is also suggested by the Department of Local Government.

- 271 Councillor Leedham** asked whether Council could look at building a wooden jetty near Reddall Reserve.

The Director Operations & Services replied that it is Lake Authority property and Councillor Leedham should bring this up at the next Lake Authority Meeting.

Councillors Jeffreys left the Chamber.

- 272 Councillor Leedham** asked that the weed problem in the city be investigated.

- 273 Councillor Rose** asked if Council could investigate providing public toilets in Addison Street Shellharbour, as the current toilet block is inaccessible.

- 274 Councillor Rose** asked if Councillor Jeffreys has already joined the Labor party?

- 275 Councillor Hawker** advised that he has received a letter from residents expressing their concerns about the state of the footpath on the North Eastern corner of Terry Street and Smith Avenue, Albion Park and asking Council to investigate the possibility of Council budgeting for a footpath to be constructed on that corner.

- 276 Councillor Hawker** stated that the road outside the Catholic and Anglican Churches at Albion Park is deteriorating. How soon can kerb and guttering be constructed?

Councillors Jeffreys returned to the Chamber.

**277 Councillor Greig** requested that in future if there are any changes to the business paper could they be highlighted.

**278 Councillor Greig** requested that other events be added to the Councillor briefings calendar for their information.

**279 Councillor Greig** asked how much money was in the budget for weeds.

The Director Operations & Services replied that this information is provided in the proposed 07/08 budget documentation.

**280 Councillor Greig** stated that the Traffic Committee minutes were being ratified by Traffic Committee members prior to being by Council and asked whether the General Manager could investigate whether other committees were required to do the same.

**281 Councillor Bird** congratulated all those involved in the Reconciliation Walk and thanked the Councillors for attending. He also stated they he believed Council might be nominated for a national award for it and asked the General Manager if that was correct.

The General Manager replied that he would follow this up.

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The General Manager advised that he received a Notice of Rescission with respect to Item 11.2 and therefore the matter would be held over and considered at the next Council Meeting.

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

**Meeting closed 9.30 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 3 July 2007.

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General Manager

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Chairperson