

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 03 July 2007 commencing at 5.00 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 J Bailey (part) Councillor D Briggs
D Ward	Councillor J Leedham
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 Corporate Services	T Gearon
Group Manager Works & Services	C Watt
Group Manager Customer & Env. Services	G Standen
Acting Group Manager Development & Tech Services	C Sakey
Group Manager Corporate Planning	P Masterson
Group Manager Organisational Development	B Rose
Acting Manager Development Services	C Bern
Manager Media & Communications	B Parker
Public Relations Coordinator	A Baltovska (part)
Executive Assistant	D Arney

## **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. He later arrived at the Meeting at 7.15pm.

An apology was tendered on behalf of Councillor Hore.

286 RESOLVED: Mifsud/Greig. That the apologies as tendered be accepted.

### **2. Confidential Business (Committee of the Whole)**

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

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

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

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

## **CONFIDENTIAL ITEMS**

### **2.1 Confirmation of Minutes of Extraordinary Meeting held 19 April 2007 (8750109)**

#### **Reason for Confidentiality**

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

This report may not be considered in open Council and would on balance be contrary to the public interest in that it details matters which concern individuals and could result in further investigative action and legal action in relation to persons alleged to have breached the *Local Government Act 1993*. Council therefore must be mindful of procedural fairness.

### **2.2 Tender 2007/20 - Supply & Spray Bitumen & Associated Services (8747235)**

#### **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.

### **2.3 Tender 2007/21 - Supply Only and Supply & Delivery Road Pavement Materials (8747968)**

#### **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.

#### **2.4 Tender 2007/22 - Supply and Delivery of Readymix Concrete (8747013)**

##### **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.

#### **2.5 Tender 2007/23 - Pavement Marking (Line Marking Services) (8748360)**

##### **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.

## **2.6 Tender 2007/24 - Road Stabilisation Works (8747557)**

### **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.

## **2.7 Tender 2007/25 - Supply & Lay Asphaltic Concrete (8748454)**

### **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.

## **2.8 Tender 2007/26 - Supply of Traffic Management Services (8748520)**

### **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.

## **2.9 Proposed Road Closure & Contract for Sale of Land (8728331)**

### **Reason for Confidentiality**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(c)&(d)(i)&(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 a development application is lodged by the person supplying the information.

Council is also yet to enter into an exchange of contract for Land Sale. Publication would not be in the public interest at this time because it is possible that other parties may seek to purchase the same property for commercial advantage.

287 RESOLVED: Rose/Briggs

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)&(ii)&(g) of the Act as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the press and public in accordance with Section 11(2) of the *Local Government Act 1993*.

CARRIED UNANIMOUSLY

**Meeting adjourned at 5.58 pm**

**Meeting resumed at 7.15 pm**

Cr Bailey here arrived at the Meeting.

### **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.

#### **2.2 Tender 2007/20 - Supply & Spray Bitumen & Associated Services (8747235)**

That the Council accepts Pioneer Road Services tender for the Supply and Spray of Bitumen and Associated Services for the period 1 July 2007 to 30 June 2009.

#### **2.3 Tender 2007/21 - Supply Only and Supply & Delivery Road Pavement Materials (8747968)**

1. That the Council accept Cleary Bros tender for the supply only and supply and delivery of DGB20, DGS 20 and DGS 40 for the period 1 July 2007 to 30 June 2009.
2. That the Council accepts Hansons as a backup supplier of DGB 20, DGS 20 and DGS 40 for the period 1 July 2007 to 30 June 2009.
3. That Council purchase the remainder of the tendered products on a project by project basis.

#### **2.4 Tender 2007/22 - Supply and Delivery of Readymix Concrete (8747013)**

That the Council accepts Cleary Bros tender for the supply and deliver of Readymix Concrete for the period 1 July 2007 to 30 June 2009.

**2.5 Tender 2007/23 - Pavement Marking (Line Marking Services) (8748360)**

That the Council accepts the tender from Wollongong Line Marking Services for Pavement Marking work within Shellharbour City for the period 1 July 2007 to 30 June 2009.

**2.6 Tender 2007/24 - Road Stabilisation Works (8747557)**

That Council accept the tender of RECivil Pty Ltd for insitu stabilisation over the period 1 July 2007 to 30 June 2009.

**2.7 Tender 2007/25 - Supply & Lay Asphaltic Concrete (8748454)**

1. That the Council accepts Boral Asphalts tender for the Supply & Laying of Asphaltic Concrete within Shellharbour City for the period 1 July 2007 to 30 June 2009.
2. That the Council accepts Pioneer Road Service's tender for the supply only, component for the period 1 July 2007 to 30 June 2009.

**2.8 Tender 2007/26 - Supply of Traffic Management Services (8748520)**

That the Council accepts Traffic Management Services tender for the supply of Traffic Management Services for the period 1 July 2007 to 30 June 2009.

**2.9 Proposed Road Closure & Contract for Sale of Land (8728331)**

1. That Council enter into a Contract for the Sale of Land comprising part of Lamerton Crescent, Shellharbour City Centre (approximately 6,676m<sup>2</sup> subject to final survey) for the amount as outlined in the confidential Report exclusive of GST, subject to CPI review.
2. That the Contract for the Sale of the Land be conditional upon formal closure of the subject area of Lamerton Crescent under the *Roads Act 1993* AND approval being granted to a development application for the proposed western expansion of Stockland Shellharbour Shopping Centre across the current Lamerton Crescent road alignment.
3. That the Mayor and General Manager be authorised to sign any documentation associated with the Contract for the Sale of Land including Seal of Council where required.

**2.1 Confirmation of Minutes of Extraordinary Meeting held 19 April 2007 (8750109)**

That the Minutes of the Extraordinary Meeting (in Committee of the Whole) held 19 April 2007 be confirmed as a correct record of proceedings subject to the Director of Shell Cove Business Unit being deleted from the list of attendees.

Further that Council insert the word "inadvertently" as requested.



## **SHELLHARBOUR CITY COUNCIL**

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288 RESOLVED: Hawker/Jeffreys. That the Recommendations to Council from the Committee of the Whole Meeting held 19 April 2007 be adopted.

CARRIED UNANIMOUSLY

### **4. Confirmation of Minutes**

#### **4.1 Ordinary Meeting 12 June 2007**

289 RESOLVED: Briggs/Bird That the Minutes of the Ordinary Council Meeting held on 12 June 2007 be confirmed as a correct record of proceedings with the alteration that at Minute item 278 "Cr Greig requested that Council's briefings be held on Tuesdays only". Further that "requested that other events be added to the Councillor briefings calendar for their information" be deleted.

CARRIED UNANIMOUSLY

#### **4.2 Confirmation of Minutes of the Committee of the Whole (Confidential) 12 June 2007**

#### **4.3 Confirmation of Minutes of the Committee of the Whole (Confidential) 22 May 2007**

290 RESOLVED: Gillett/Bird That Item 4.2 and 4.3 be considered in Confidential session after Questions Without Notice.

#### **4.4 Extraordinary Meeting 26 June 2007**

291 RESOLVED: Hawker/Bird That the Minutes of the Extraordinary Council Meeting held on 26 June 2007 be confirmed as a correct record of proceedings with the amendment that the overall unrestricted cash deficit will be \$76,851.

CARRIED UNANIMOUSLY

#### **4.5 Extraordinary Meeting (in Committee of the Whole) 26 June 2007**

292 RESOLVED: Hawker/Briggs That the Minutes of the Extraordinary Council Meeting (in Committee of the Whole) held on 26 June 2007 be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

### **5. Pecuniary Interest**

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

## **SHELLHARBOUR CITY COUNCIL**

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**Councillor Greig:** Item 2.9 Proposed Road Closure & Contract for Sale of Land (8728331)

**Nature of Interest:** Owns property in City Centre

**Councillor Hawker:** 11.7 Renewal of Lease to Koninderie Community Based Pre-school

**Nature of Interest:** Auditor for Koninderie Community Based Pre-school

**Councillor Bird:** 8.1 Killalea State Park

**Nature of Interest:** Board Member of Killalea State Park Trust

**Councillor Stewart:** Item 2.1 Confirmation of Minutes of Extraordinary Meeting held 19 April 2007

**Nature of Interest:** Alleged breach of confidential information

**Councillor Briggs:** Item 2.1 Confirmation of Minutes of Extraordinary Meeting held 19 April 2007

**Nature of Interest:** Knows person named as a possible source of leaking confidential Council information

**Councillor Rose:** Item 2.1 Confirmation of Minutes of Extraordinary Meeting held 19 April 2007

**Nature of Interest:** Alleged breach of confidential information

## **6. Condolences**

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

Mr Laurance Joseph Langley	of	Albion Park
Mr Savo (Sam) Milas	of	Barrack Heights
Mr Lance Dawson	of	Oak Flats
Mrs Margaret Edna Selman	of	Oak Flats
Mrs Louise Melinda Temple	of	Oak Flats
Mr Ilvo Baraldi	of	Warilla
Mrs Edna Joyce Casson	of	Warilla
Mr Steven Wayne (Juddy) Judd	of	Warilla
Mrs Margaret Jean Petre	of	Warilla
Mr Raymond Peter Poolman	of	Warilla

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

## **7. Presentations**

Nil

## **8. Mayoral Minutes**

### **8.1 Killalea State Park (8749667)**

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

Note: A copy of the Mayor's updated report as tabled is attached to these Minutes for information.

294 RESOLVED: Hamilton/Briggs That this item be received and noted. Further that the last sentence of the Report text be deleted after the word "advised" to read "Labour Council representatives have asked to be kept advised".

CARRIED UNANIMOUSLY

Cr Bird here returned to the Chamber.

## **9. Councillors' Reports**

Nil

## **10. General Manager's Office**

### **10.1 Meeting procedure consideration of confirmation of Committee of the Whole (Confidential) Minutes (8750426)**

295 RESOLVED: Hawker/Briggs

That Council adopt the variation to Council's Code of Meeting Practice, as outlined in this report, to enable Councillors to debate, in confidential session, if necessary, the correctness or otherwise of Committee of the Whole (Confidential) Minutes prior to their confirmation.

CARRIED UNANIMOUSLY

### **10.2 Water Management Conference Inverell 15-17 August 2007 (8749742)**

296 RESOLVED: Jeffreys/Hawker

1. That Council resolve to approve attendance at the 2007 Water Management Conference by any interested Councillor.

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2. That Council resolve to approve attendance at the 2007 Water Management Conference by appropriate Council Officer/s
3. That Council confirm the numbers attending and indicate the names of the individual Councillors to enable bookings to be made as soon as possible, prior to the Early Bird Registration deadline of Friday 20 July 2007.
4. That the General Manager be authorised to send any appropriate Council Officer.

CARRIED UNANIMOUSLY

### **11. Operations & Services Division**

#### **11.1 DA No. 23/2007 - Lot 10, DP 1109283, 132 Burdekin Drive, Albion Park (DA Lodged as Lot 3754, DP 1036522), Ashburton Drive, Albion Park - Commercial Premises Comprising Two Shops & Two Commercial Offices (8738038)**

297 RESOLVED: Greig/Briggs That Council approve the development application, further that delegated authority be granted to the General Manager to apply standard conditions.

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

#### **11.2 Princes Highway, Albion Park Rail - Installation of a Shared Use Path from Tongarra Road to Kimbeth Crescent (8743290)**

298 RESOLVED: Bird/Gillett

1. That the Council endorses the Mayor's action of accepting the RTA's funding offer of \$60,000 towards the installation of a shared use path on the Princes Highway, Albion Park Rail.
2. That the Council amend the budget accordingly.

CARRIED UNANIMOUSLY

#### **11.3 Adoption of Shellharbour City Council's Draft Stormwater Policy (8749145)**

299 RESOLVED: Hawker/Bailey

1. That the Council adopt the Draft Stormwater Policy.

CARRIED UNANIMOUSLY

**11.4 Revised Plan of Management - Croom Voluntary Conservation Area**

300 RESOLVED: Hawker/Jeffreys

That the Council resolve to endorse the revised Plan of Management for the Croom Voluntary Conservation Area.

CARRIED UNANIMOUSLY

**11.5 Proposed Waste Services 2008-2015 (8749840)**

301 RESOLVED: Jeffreys/Bailey

1. That the Council recognises the need to achieve the resource recovery targets for waste from municipal sources as set out in the *NSW Waste Avoidance & Resource Recovery Strategy*.
2. That the Council resolve to undertake a community consultation process for the provision of waste services after 1 July 2008 emphasising the option of a weekly service.

CARRIED UNANIMOUSLY

**11.6 Requests for Donation (8739297)**

302 RESOLVED: Hawker/Bailey

That Council resolve to donate the following contributions totalling \$2,800:

1. Donations
  1. Albion Park Playgroup
  2. Salvation Army Red Shield Appeal
  3. Kidz Wish Foundation – Christmas party for Children with a Disability
  4. Duck Rescue – Albion Park – refuge for domestic ducks
  5. Leisure Coast Trail Riders Club – Riding for the Disabled.
  6. Illawarra Strikezone Ten Pin Bowling Comp – Sponsor award plaque
  7. Ian Hatfield – Volunteer Athletics Coach - travel costs to attend World Youth Track & Field Championships
  8. Stella Maris Parents and Friends Association
2. That Council grant Fee Reduction/Exemption to the value of \$1,215 to the following organisations:
  1. WIRES Illawarra Inc.
  2. Shellharbour City Baptist Church Assist Inc.
  3. Warilla North Community Centre
  4. Salvation Army – Salvos Stores exemption of tipping fees for household domestic waste dumped after hours at store.

CARRIED UNANIMOUSLY

**11.7 Renewal of Lease to Koninderie Community Based Pre-School (8749119)**

Cr Hawker declared an interest in Item 11.7 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

303 RESOLVED: Gillett/Bird

1. That Council renew the lease agreement with Koninderie Community Based Pre-School for the occupation of Lot 703 DP 788084 Princes Highway, Albion Park Rail for a further five (5) years at a rental of \$1.00 plus GST per annum.
2. That the Seal of Council be affixed to the lease agreement with Koninderie Community Based Pre-School for the occupation of Lot 703 DP 788084, Princes Highway, Albion Park Rail.

CARRIED UNANIMOUSLY

Cr Hawker here returned to the Chamber.

**11.8 Renewal of lease to the Illawarra Light Railway Museum Society Limited (8749496)**

304 RESOLVED: Rose/Jeffreys

1. That Council renew the lease agreement with the Illawarra Light Railway Museum Society Limited for the occupation of Part Lot 700 DP 1102696 Tongarra Road, Albion Park Rail for a further five (5) years at a rental of \$350.00 plus GST per annum.
2. That the Seal of Council be affixed to the lease agreement with the Illawarra Light Railway Museum Society Limited for the occupation of Part Lot 700 DP 1102696 Tongarra Road, Albion Park Rail.

CARRIED UNANIMOUSLY

**11.9 Determination of number of Councillors for period 2008/2012 (8748861)**

305 RESOLVED: Hawker/Leedham

That Council determine pursuant to S 224(2) of the *Local Government Act*, that for the following term of office being 2008 to 2012, this Council will comprise 13 Councillors, including the Mayor.

CARRIED UNANIMOUSLY

**12. Community Planning & Strategies Division**

Nil

**13. Shell Cove Business Division**

**13.1 Shell Cove Project (8741692)**

306 RESOLVED: Briggs/Bailey That the question be PUT (CARRIED UNANIMOUSLY)

307 RESOLVED: Hawker/Greig That this item be deferred until after a full briefing of Councillors by Council Officers, including the General Manager.

CARRIED UNANIMOUSLY

Councillor Briggs asked the General Manager if Councillors could put some questions in writing prior to the Briefing. The General Manager advised that Council staff should be able to answer all relevant questions in relation to this report but prior notice of any complex questions requiring investigation would assist.

**14. Committee Recommendations**

**14.1 Recommendations from the Traffic Committee Meeting held 6 June 2007 recommended for adoption.**

308 RESOLVED: Greig/Leedham

That the Recommendations from the Traffic Committee Meeting held 6 June 2007 be adopted.

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

**14.2 Recommendations from the Disabilities Services Advisory Committee Meeting held 20 June 2007 recommended for adoption.**

309 RESOLVED: Jeffreys/Briggs

That the Recommendations from the Disabilities Services Advisory Committee Meeting held 20 June 2007 be adopted.

CARRIED UNANIMOUSLY

**15. Notices of Rescission Motion**

**15.1 Notice of Rescission Motion submitted by Councillors Mifsud, Rose and Briggs (8748736)**

Following opening comments by Councillor Mifsud, Councillor Hawker MOVED a POINT of ORDER that Councillor Mifsud must first move the Rescission Motion and then, if it is carried, he could move the Notice of Motion and speak to that.

The Mayor upheld the Point of Order and said Council must adjudicate on the Rescission Motion first and then deal with the Notice of Motion if the Rescission Motion is successful.

Following some discussion and confusion regarding the Rules of Debate with respect to Notices of Rescission, Councillor Mifsud allowed Councillor Rose to replace him as the Mover of the Rescission Motion.

RESCISSION MOTION: Rose/Briggs

That the resolution relating to Item 11.2 DA No. 10/2007 - Lot 3, DP 717776, Riverside Drive, Dunmore - Designated Integrated Development, Equestrian Stables, Sheds and Exercise Yards (8737880) of 12 June 2007 be rescinded.

310 The RESCISSION MOTION on being PUT to the Meeting was CARRIED 7/5

Jeffreys, Leedham, Bird, Gillett, Hamilton dissenting

MOTION: Briggs/Rose that Council approve DA 10/2007 and delegate authority to the General Manager to apply the standard conditions, including the applicant undertaking a full Aboriginal Heritage Study, and satisfactorily address all outstanding issues prior to a Construction Certificate being issued. Further, that should the General Manager on legal advice, be unable to resolve all issues under delegated authority the matter is to be reported back to Council.

Councillor Gillett FORESHADOWED a MOTION that That Council defer DA 10/2007 until such time that Council Officers have time to properly assess information regarding the subject DA in order to see if appropriate conditions of consent can be arrived at and hence make a recommendation based on its merits to the next available Council meeting after the process is complete.

311 The MOTION on being PUT to the Meeting was CARRIED 7/5

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

312 RESOLVED: Briggs /Mifsud That the meeting recess for 5 minutes.

**Meeting adjourned at 9.17 pm**

**Meeting resumed at 9.27 pm**



**16. Notices of Motion**

**16.1 Notice of Motion submitted by Councillors Mifsud and Rose (8751184)**

The NOTICE OF MOTION was formally MOVED by Councillor Mifsud and seconded by Councillor Rose.

Councillor Hawker stated that he would FORESHADOW a MOTION, if Councillor Mifsud did not agree to include as an addendum to his Motion, that it is "at no cost to Council".

Councillor Mifsud stated that he accepted that addendum.

313 The following MOTION on being PUT to the Meeting was CARRIED UNANIMOUSLY

"That Council Officers investigate the situation of pensioner rebates and on possible methods of providing additional arte relief to pensioners, at no cost to Council."

**17. Items for Information**

314 RESOLVED: Hawker/Briggs That items 17.1, 17.3, 17.4 and 17.5 be received and noted.

**17.1 Corporate Stationery - Message on back of envelopes (8843293)**

**17.3 Australian Local Government Women's Association Inc (ALGWA) - Review of the National Framework for Women in Local Government - The Way Forward (8748447)**

**17.4 South Coast Regional Tourism Organisation Merger (8749758)**

**17.5 Investments (8750411)**

CARRIED UNANIMOUSLY

**17.2 Status of Albion Park, Oak Flats and Shellharbour Streetscapes (8748835)**

315 RESOLVED: Hawker/Greig That any further work on streetscape at Albion Park be deferred until after meeting between Ward Councillors, Council Officers and the Albion Park - Oak Flats Chamber of Commerce.

CARRIED UNANIMOUSLY

**18. Questions without Notice**

**The Mayor reminded Councillors that questions should be on urgent Council business only**

**316 Councillor Stewart** asked the General Manager why we refer to Mayor's wife as the Mayoress? She advised that a more formal address would be "mayoral partner". She felt that the current practice is outdated and not in keeping with current climate. She proposed that Council seek to stop addressing the Mayor's partner as Mayoress and refer to as the Mayor's partner. She further advised that other Councils, including Wollongong, are changing the way they address the Mayor's partner.

The General Manager advised that has thought about this and would consider it further.

**317 Councillor Jeffreys** advised that recently Centrelink started giving utilities rebates to pensioners. She asked if Council could approach the Federal Member for Throsby, Jennie George MP, to request that Council rates be included in the utilities rebates

**318 Councillor Leedham** advised that last Saturday Councillors were invited to attend the HARS museum, which he did. He would like Council to pass on his thanks to the HARS staff and asked Council to send a letter of appreciation on behalf of the Councillors.

**319 Councillor Rose** asked when the Payment of Expenses and Provision of Facilities to Councillors Policy would next be reviewed as he had some questions he would like to ask in relation to it.

The Group Manager Corporate Services advised that the Policy is due for review and it is planned to be back before Council at its next Meeting.

**320 Councillor Rose** asked if anything had been resolved regarding his enquiry at a previous meeting in relation to Fuller Park.

The Mayor advised that he had received a phone call from a member of the Fuller family and the Fuller Park sign had now been re-erected.

**321 Councillor Mifsud** asked where Council was up to with regard to its investigations into concerns residents at Shell Cove had with overgrown bushes and a number of break and enter occurrences near the shops.

The Director Operations and Services advised that Council is waiting for the Safer Cities Coordinator to provide a response.

**322 Councillor Bailey** thanked Council for road work completed at Lavis & Morgan Avenues, Mt Warrigal. He advised that he has received a number of phone calls with regard to people still going over the rumble bars and students crossing where they shouldn't be. He asked if Council could do anything.

**323 Councillor Briggs** asked when Council Officers look at revisiting the DCP for the Oak Flats Industrial Park to update and bring it into line with the requirements of the people. He said that it was turning into a ghost town and it requires an urgent review.

**324 Councillor Hawker** noted that a few meetings back he made a request for graffiti removal on the substation in Terry Street Albion Park to be removed. He advised that this was done promptly and appears to be cleaned regularly. He would like to pass on his thanks to those involved in this as he feels they are doing a very good job.

**325 Councillor Hawker** advised that a pothole at the intersection of Terry St & Daintree Drive Albion Park, while often repaired by Council, reappears each time it rains. He asks that Council officers inspect it and may need to take more permanent measures to fix it.

**326 Councillor Hawker** has received a number of enquiries from concerned residents that there are not enough police officers in the area. He asked if Council could do anything to make sure that stations are manned on Thursday and Friday nights.

The Mayor advised that the correct protocol is to write a letter to the State member and follow up with the Minister for Police.

**327 Councillor Hawker** advised that while he was not in attendance at the HARS inspection last Saturday morning he was able to be taken for a tour later that afternoon. He would also like to thank HARS for their time in this regard.

**328 Councillor Greig** advised that she is noticing people, particularly young children, close to the edge of the pond in the City Centre. She said that it appears dangerous and very open. She is concerned that a young child may fall in and be injured.

The Director Operations and Services advised that the pond is very shallow and designed in such a way that it is not considered a major hazard, similar to the areas around the Lake foreshores.

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

329 RESOLVED: Hawker/Leedham

1. That Council resolve into Committee of the Whole (in Confidential Session) to consider Item 4.2 and 4.3 as resolved (See Minute No 290).
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)&(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 10.07 pm**

**Meeting resumed at 10.20 pm**

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

330 RESOLVED: Hawker/Briggs

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

**4.2 Confirmation of Minutes Committee of the Whole (Confidential) 12 June 2007**

**4.3 Confirmation of Minutes Committee of the Whole (Confidential) 22 May 2007**

That confirmation of the Minutes of the Committee of the Whole 12 June 2007 and 22 May 2007 be deferred until the next Meeting of Council and all Councillors be provided with copies of the Minutes which are still to be confirmed.

CARRIED UNANIMOUSLY

**Meeting closed 10.24 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 24 July 2007.

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General Manager

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Chairperson

Attachment to Item 8.1

**Subject      8.1      Killalea State Park (8749667)**

To my fellow Councillors

## **Mayoral Minute**

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### **Summary**

Having now received a briefing from representatives of the development firm of Badcock and Brown and the Killalea Trust, on a proposal to lease a portion of the Killalea State Park for private development, I feel that it is appropriate that the matter be brought before a full meeting of Shellharbour City Council for consideration.

### **Recommendation**

**That Council strongly oppose any move by the Killalea Trust or the Department of Lands to lease any part of the Killalea Park to private enterprise, and that Council's sole representative on the Trust be so instructed.**

**Further that Council advise the Trust and the Minister for Lands that it would see any move to by-pass Council and proceed with the matter by way of a development application being submitted to the Minister for Planning as unacceptable to the elected representatives of Shellharbour City Council and its citizens.**

### **Background**

At the afore mentioned briefing I was shown preliminary plans of the area that were the subject of an agreement between the Trust (with the concurrence of the Department of Lands) subject to the granting of a development approval.

At the conclusion of the briefing, I requested that a copy of all documentation be made available to Shellharbour City Council only to be advised that this was not possible at the time since some fine tuning still had to be carried out.

Since having been briefed on the proposal, I have given the matter a considerable amount of thought as well as becoming aware that there is a clearly evidenced ground swell of public opposition to leasing any part of Killalea Park to private enterprise.

While I initially adopted a wait and see attitude to the proposal, I have now concluded that leasing of any part of the Killalea Park to private developers would not only be contrary to the public interest and the wishes of local citizens, but would also create a dangerous precedent in so far as future management of publicly owned passive open space areas is concerned.

More recently I have responded to an invitation to meet with representatives of the South Coast Labour Council who are acting on requests from affiliated unions and members of the public to oppose the lease of any part of the State Government owned Killalea Park to private enterprise.

Labour Council representatives have asked to be kept advised of Shellharbour City Council's attitude to the proposed lease.

Approved for Council's consideration:



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Before this Mayoral Report is considered, I am amending my recommendation to read that "**The Report be received and noted**".

I have succeeded in arranging a meeting with Minister Tony Kelly and Minister Matt Brown immediately on resumption of Parliament next week to discuss the Killalea development proposal.

I wish to wait until I have had that meeting before making any further recommendation for Council's consideration.

Rest assured that my aim will be to put forward the concerns of the local community.

**Attachments**

1. Nil