

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 26 April 2005 commencing at 5:20 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 Councillor D Briggs (part – arrived at start of Committee of the Whole)
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 Planning Services	J Tremain
Group Manager Organisational Development	B Rose
Manager Development	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Public Relations Coordinator	A Baltovska
Corporate Meetings Officer	J Larsen

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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

Nil

Committee of the Whole Council Meeting

Nil

2. Confidential Business (Committee of the Whole)

In accordance with the *Local Government Act 1993*, and the *Local Government (Meetings) Regulation 1993*, 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.

The General Manager then addressed the meeting.

He advised that the Director of Operations & Services had advised that investigations into what type of sealing was needed for the runway was not concluded until last week.

He said that the Group Manager Corporate Services and the Manager Executive Offices and himself had recently met with Council's solicitor to talk through various issues. It was decided by the General Manager following advice from Council's Solicitor, to Invoke clause 12 of the Local

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Government Tendering Regulation - thereby allowing 7 days for the tender period deadline rather than the traditional 21 days because of the urgent time frame for these works to be undertaken.

The General Manager reiterated that Council is under enormous pressure to deliver this project on time and on budget and he needed to place this Late Report before Council tonight.

He stated that he wished to formally summarise the situation for councillors in this way to clarify the reasons for the late report being submitted for consideration tonight – see also Item 17.1.

710 RESOLVED: Hawker/Leedham

That Council endorse the General Manager's actions as outlined to the Meeting.

CONFIDENTIAL ITEMS

711 RESOLVED: Jeffreys/Greig

1. That Council resolve into Committee of the Whole to consider the following 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) 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 as required by the *Local Government Act 1993*, Section 11(2).

2.1 Tender - Bitumen Spray Sealing of North-South Runway - Illawarra Regional Airport (8331423)

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 .

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2.2 LATE REPORT - Tender 2005/3 - Supply and Spray of Bitumen Seal and Associated Services - Illawarra Regional Airport (8334299)

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.

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Meeting adjourned at 5.25 pm

Meeting resumed at 7.15 pm

3. Recommendations from Committee of the Whole

The following Recommendation to Council from the Committee of the Whole Council was read to the Meeting by the General Manager.

2.1 Tender 2005/3 - Supply and Spray of Bitumen Seal and Associated Services - Illawarra Regional Airport (8331423)

This Item was not dealt with – See Item 2.2

2.2 Tender 2005/3 - Supply and Spray of Bitumen Seal and Associated Services - Illawarra Regional Airport (8334299)

That Council accept Pioneer Road Services tender for the supply and spray of bitumen and associated services for the runway upgrade at the Illawarra Regional Airport based on the prices outlined in Attachment 1 of the report to the Committee of the Whole Meeting.

712 RESOLVED: Hawker /Briggs That the recommendations to Council from the Committee of the Whole meeting held earlier today be adopted.

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4. Confirmation of Minutes

4.1 Ordinary Meeting 5 April 2005

713 RESOLVED: Briggs/Hawker That the Minutes of the Ordinary Council Meeting held on 5 April 2005 be confirmed as a correct record of proceedings.

4.2 Committee of the Whole 5 April 2005

714 RESOLVED: Briggs /Greig That the Minutes of the Committee of the Whole Council Meeting held on 5 April 2005 be confirmed as a correct record of proceedings.

5. Pecuniary Interest

Nil

6. Condolences

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

Mrs Jennifer Margaret Channell (nee Lyons)	of	Albion Park
Mr Neville Charles Henstock	of	Albion Park
Mrs Kathleen Mary Honeyman	of	Albion Park
Mrs Helen Verhaaf	of	Albion Park
Mrs Beatrice Wortmeyer	of	Albion Park Rail
Mr John (Jack) Frederick Wortmeyer	of	Albion Park Rail
Mr Wayne David (Chunky) Miller	of	Barrack Heights
Mr Brad Richards	of	Barrack Heights
Mr Clifford Patrick (Cliff) Davidson	of	Mt Warrigal
Mrs Fay Pickering	of	Mt Warrigal
Mrs Betty Steele	of	Mt Warrigal
Mr David Sydney Troman	of	Mt Warrigal
Mr Stephen and Jack James	of	Oak Flats
Mr Arthur Edward Jones	of	Oak Flats

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Mr Angus (Mac) MacAulay	of	Oak Flats
** Mr MacAulay was a volunteer driver for Council's Community Transport Scheme for over 10 years		
Ms Susan Dorothy (Sue) Smith	of	Oak Flats
Mrs Hilda (Helen) Wonson	of	Oak Flats
Mrs Doris (Dot) Thoroughgood	of	Shellharbour
Mr Stephen Edward Badans	of	Warilla
Mr Mac Cody	of	Warilla
Mr Colin Ernest Derham	of	Warilla

715 A Motion of condolence was passed by all present standing in one minutes silence.

7. Presentations

Guardian Air Rescue

The Mayor advised that he has received a late request from Mr Arthur Rorris of the South Coast Labour Council to present information regarding the Guardian Air Rescue State Government air rescue tender. The Mayor has agreed to allow the presentation.

Mr Rorris Introduced Mr Phil Buckland, a fellow Trust Member of Guardian Air Rescue who in turn introduced Mr Peter Mangles.

Mr Mangles advised that the rationale of Guardian Air Rescue was born out of difficulties experienced in providing air rescue services to NSW.

- The way forward – Illawarra Model integrated into a state-wide system.
- Regional helicopter rescue services with local Trust and Community Board
- Difference between this and the former service would be that a doctor would always be on board.
- Regionally based helicopter cheaper quicker service.

The Mayor thanked Mr Rorris, Mr Buckland and Mr Mangles for the presentation.

8. Mayoral Minutes

Nil

9. Councillors' Reports

Nil

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10. General Manager's Office

Nil

11. Operations & Services Division

11.1 DA 497/2004 - Lot 506, DP 1054031, 99 Daintree Drive, Albion Park - Increase Height of a Residence (8325438)

In response to a question from Councillor Rose the Manager Development Services advised that the DA had been lodged and determined under old provisions of the residential DCP where no restrictions applied to floor ratio, the only restriction that applied was to height.

716 RESOLVED: Hawker/Greig

1. That Council approve Development Application No. 497/2004 proposing a two storey dwelling at Lot 506, DP 1054031, 99 Daintree Drive, Albion Park, under Section 80 of the *Environmental Planning & Assessment Act, 1979* and approve the Section 96 application and amend Condition No. 18 as follows:
 18. The building must not exceed an overall height of 8.98m from natural ground level.

A registered surveyor's certificate must be lodged with Council, certifying the height of the dwelling in relation to the natural ground level (Australian height Datum must be used).
2. That a fine be issued regarding development not carried out in accordance with consent.

11.2 DA 7/2005 - Lots 3 & 4, DP 218551, 92 Junction Road, Shellharbour - Telecommunications Facility (8328458)

PUBLIC PARTICIPATION

Marion Pemberton

Ms Pemberton advised that she wished to speak against approval of the telecommunications tower for the following reasons:

- Council's DCP states that towers should be placed to minimise visual impact. This tower impacts visually along North Shellharbour Beach.
- The other areas investigated and dismissed eg. Blackbutt Forest would have less visual impact than at the proposed location
- Tower would be visible over whole area
- Argument that the sewerage plant already spoils area not relevant as sewage plant has minimal visual impact because of plant screening. A 35 metre tower would have much more impact.

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- Impact on area may increase with additions to tower over time.
- Council should consider long term impact. How could this area not be an area of visual significance.

Cecily Driscoll

Ms Driscoll advised that she wished to speak against the recommendation to erect a 35 metre Telstra Tower.

- Speaks for and on behalf of a lot of people who signed two petitions submitted to Councillors against the recommendation.
- Acknowledges need to improve telecommunications to area but cannot understand why Council would allow a tower to be put where visual impact will be significant.
- A more suitable position could be where towers are already installed on Pioneer Hill or at the golf course– there are at least another dozen places where impact would be much less.
- Possible emissions from the tower could impact on local residents' health. No guarantees that emissions can never be a public risk.
- Effect on commercial interests and tourism.

William Harris

Mr Harris advised that he wrote a letter to Council with regard to the proposition suggesting that the best place to locate the tower would be in Blackbutt forest near the water tower - northern side green area which appears suitable.

Tower will have a significant visual impact if located where proposed.

Nicholas Kalokerinos

Dr Kalokerinos stated that the proposed DA should not be approved for the following reasons:

- Medical reasons – electromagnetic radiation associated with several medical problems.
- Some members of the community are more vulnerable than others.
- Placement of tower near caravan park and Sule College in the vicinity of those with a high risk of impact.
- Visually offensive – dominate the skyline for wide area.
- Negative impact on tourism to North Shellharbour Beach and surrounding area.
- No shadowing diagrams provided with report.
- Numerous legal proceedings have been successful in having telecommunications towers removed after construction due to impact.

Dr Kalokerinos stated that he wished to correct details presented in the report and advised that the first petition against the proposal had 250 signatures and the second, submitted in the second period of exhibition, had a further 50 signatures.

He suggested that Council bring all parties to the negotiating table to come up with a better option.

In response to a question from Councillor Rose the Manager Development Services advised that he estimated that Sule College was approximately 600m away from the proposed site. He agreed

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that the caravan park is 180m from the site. He advised that the caravan park has residential use but not zoning.

Councillor Gillett noted that if the caravan park was included in consideration as a residential area emissions would still be within safe limits.

Councillor Rose indicated that he would FORESHADOW a MOTION that Council refuse the application on the grounds of safety and Councillor Mifsud stated that he would second the foreshadowed motion.

MOTION: Gillett/Briggs

That Council approve Development Application No. 7/2005 for a telecommunications facility at Lots 3 & 4, DP 2178551, 92 Junction Road, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 15 conditions immediately following the conclusions of this report.

717 The MOTION on being PUT to the Meeting was CARRIED 9/4

(Councillors Mifsud, Rose, Bailey and Stewart dissenting)

11.3 DA 147/2005 - Lot 1, SP 71677, 1/29 - 31 Durgadin Drive, Albion Park Rail - Training and Development of the External Sales Force, Warehouse, Product Assembly and Distribution of Tupperware and Ancillary Office and Signage (8328823)

PUBLIC PARTICIPATION

Warren Long

Mr Long introduced Mr Paul Lalic to speak on behalf of the applicant.

Mr Lalic was questioned after he commented that he had forwarded a legal opinion to Council's offices late this afternoon and it was revealed that he was acting as the applicant's legal representative.

The General Manager advised Mr Long that Mr Lalic would not be allowed to speak according to the Public Participation Rules in the Code of Meeting Practice as it was unfair for councillors to have to consider legal advice without Council's legal representative being present. He added that he was not aware of a legal opinion having been submitted to Council.

Mr Long advised that he is a town planning consultant who provided the Statement of Environmental Effects submitted with the Development Application.

He stated that he believes the proposal is use permissible according to legal advice just received.

He suggested that it may be appropriate for Council to defer this matter and for Council to obtain its own legal advice and undertake a site inspection.

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718 RESOLVED: Briggs/Mifsud

That Council defer Development Application No. 147/2005 so that supplementary information can be assessed.

11.4 DA 52/2005, Lot 220, DP 1035712, 2/41 Durgadin Drive, Albion Park Rail - Use of Premises for Bridal Manufacture & Retail (8329065)

PUBLIC PARTICIPATION

Elaine Jackson

Did not present herself for Public Participation.

Mr Chris Arthur

Mr Arthur advised that he is speaking for and on behalf of Mrs Elaine Jackson.

He asked Councillors to support the application on the following grounds:

- That the manufacture of bridal garments meets requirements of the Shellharbour Local Environmental Plan 2000.
- That the assumption that the business is primarily a retail outlet is not supported by the statistics provided. The retail component of 2.4 garments per week is considerably less than constitutes a majority of the business.
- Statistics support the assertion that it is a wholesale, manufacturing and importing business importing garments from China and the US.
- Local people are employed in business and the potential for growth would allow employment of more local people.
- The business incorporates provision of TAFE based training.
- The assertion that the floor area layout is not consistent with a wholesale, manufacturing business is made without consultation with similar businesses.

Councillor Briggs asked whether if the name of the use was changed to “warehouse, importing, retail” would the project fit the criteria.

The Manager Development Services advised that if that was the way the business was operating then that is something that could be considered. However, the way council officers saw the premises operating is as set out in report.

Councillor Hawker noted that Ms Jackson was advised that the DA could not be lodged and was advised twice that this is not the sort of business allowable in this zoning.

Councillor Rose stated that several other businesses in the area appear to be retail operations.

The Manager Development Services advised that the majority are bulky goods outlets and all have been the subject of development consent in the past. Each individual business has to be judged on its merits.

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719 RESOLVED: Bird/Gillett

That Council refuse Development Application No. 52/2005 at Lot 220, DP 1035712, 41 Durgadin Drive, Albion Park Rail under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, for the reasons stated following the conclusion as outlined 1-4.

CARRIED 8/5 (Councillors Mifsud, Rose, Bailey, Jeffreys and Stewart dissenting).

720 RESOLVED: Hawker/Mifsud That Council recess for 5 minutes.

Meeting adjourned at 9.15 pm

Meeting resumed at 9.25 pm

11.5 Wattle Road Cycleway Between Benson Avenue & Wallaroo Drive, Shellharbour City Centre (8328886)

721 RESOLVED: Bailey/Briggs

1. To construct a cycleway on the southern side of Wattle Road between Benson Avenue and Wallaroo Drive.
2. That \$22,300 be allocated from Ward C Traffic Facilities to allow for construction of the cycleway with the remaining \$2,700 to be funded from adjacent owners contributions.
3. That the budget be amended accordingly.

11.6 Kingston Street Footpath, Central Avenue to Reynolds Lane, Oak Flats (8328950)

Councillor Stewart stated that she believed the cost to the adjoining property owner was unreasonable.

The Mayor acknowledged Councillor Stewart's concern but stated that the proportion of cost attributed to the owner was part of State government legislation and not negotiable.

He suggested a payment schedule could be worked out with the adjoining land owners for payment.

722 RESOLVED: Stewart/Jeffreys

That this matter be deferred for further consideration and consultation with the owners of the adjoining properties.

11.7 Draft Shellharbour Floodplain Risk Management Plan (8321556)

723 RESOLVED: Rose/Mifsud

That council place the Draft Shellharbour Floodplain Risk Management Plan on public exhibition for a period of 28 Days.

11.8 Shellharbour City Council Sport & Recreation Working Party Nominations (8328822)

Councillor Bailey expressed concern with this item because he has received a call from one person who claims to have applied for this position and their application appears to have been misplaced.

724 RESOLVED: Bailey/Bird

That this item be deferred so that the positions can be readvertised and further applications be received.

11.9 Sport and Recreation Capital Improvements Requests (8329914)

725 RESOLVED: Hawker/Leedham

1. That council resolve to support the requests for capital improvements.
2. That council resolve to allocate \$4,000 from old Section 94 funds towards the embellishment works in Dawes Park and amend the budget accordingly.
3. That council resolve to allocate \$150,000 from old Section 94 funds towards construction of the new water based hockey field at Croom Regional Sporting Complex.
4. That council resolve to provide financial assistance in the form of a loan up to \$450,000 to the Shellharbour Hockey Centre Inc. (SHCI) and that this intention be publicly exhibited for 28 days in accordance with Section 356 of the *Local Government Act 1993*

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11.10 Participation in the Cities for Climate Protection™ Program (8329458)

726 RESOLVED: Jeffreys/Greig

1. That council resolve to join the CCP™ program and undertake work to achieve the five milestones.
2. That council nominate a councillor representative for the CCP™ Program and that councillor be Councillor Tom Hawker.

11.11 Country Public Libraries Association of NSW (8328957)

727 RESOLVED: Hawker/Jeffreys

That any interested councillors advise the General Manager of their desire to attend this conference.

11.12 Draft Alfresco Dining Policy (8328490)

A late memo from the Group Manager Corporate Services was tabled recommending deferral.

728 RESOLVED: Briggs/Rose

1. That Council defer consideration of the alfresco dining policy until it can be considered in conjunction with a review of DCP 1/98 on Sidewalk Eating, to be completed in the near future.
2. That the fees and charges to be proposed for alfresco dining be included for public exhibition with the Draft Management Plan for 2005/2006

11.13 Council's Delegate to Illawarra Community Housing Trust Board (8331328)

729 RESOLVED: Hawker/Bird

1. That Council leave the Council delegate position to the Community Housing Trust Board vacant until Council's Extraordinary Meeting in September 2005.
2. That a letter be sent to the Trust Board expressing concern that there were councillors willing to go on the committee but the change of meeting time prevented their attendance.

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12. Community Planning & Strategies Division

12.1 Local Government Aboriginal Network Conference Wagga Wagga 27 - 30 July 2005 (8330675)

730 RESOLVED: Hawker/Greig

That any interested Councillor advise the Councillor Liaison Officer of their desire to attend this conference.

12.2 Adoption of Fees Shell Cove Community Centre (8330676)

731 RESOLVED: Mifsud/Briggs

That, on the basis that no submissions were received following statutory exhibition, Council adopt the fees and charges schedule for the Shell Cove Community Centre as reproduced below.

Standard fee per hour for general use including kitchen:

For Profit organisations	\$11.00 including GST
Not for Profit organisations	\$ 6.60 including GST

Bond:

For Profit organisations	\$200.00
Not For Profit organisations	\$100.00

To be refunded at the end of the organisations use. This will apply to regular users and sessional users.

Free use for Shellharbour City Council Activities.

12.3 Affix Seal to Funding Agreement from the Commonwealth Department of Health and Aged Care for continuation of the Dementia Project (8330698)

732 RESOLVED: Hawker/Jeffreys

1. That Council resolve to affix the Seal of Council to the Acceptance of Funding Agreement between Council and The Commonwealth Department of Health and Ageing for services provided under the National Respite for Carers Program offered from the Albion Park HACC Centre if required to do so.
2. That the budget is amended accordingly, if required to do so.

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12.4 Allocation of Section 94 Funds to Flinders Village Green Amenities Block (8330671)

733 RESOLVED: Gillett/Bird

1. That Council allocate \$60,000 in funds from Section 94 contributions received for passive open space embellishment in Precinct 3 for the construction of amenities at Flinders Village Green.
2. That the budget be amended accordingly.

12.5 Amendments to the Exempt and Complying Development Control Plans (DCPs), Shellharbour Local Environmental Plan 2000 and Shellharbour Rural Local Environmental Plan 2004 (8330674)

734 RESOLVED: Briggs/Bailey

That Council:

1. adopt amendments to the Exempt and Complying Development Control Plans, with changes as outlined and attached to this report, and notify in the Lake Times that these plans are now in effect, and
2. adopt amendments to the Shellharbour LEP 2000 and Shellharbour Rural LEP 2004, with changes as outlined and attached to this report, and forward those plans to the Minister for Infrastructure Planning and Natural Resources for gazettal.

13. Shell Cove Business Division

Nil

14. Committee Recommendations

14.1 Recommendations from the Traffic Committee Meeting held 6 April 2005 recommended for adoption.

735 RESOLVED: Greig/Rose

That the Recommendations from the Traffic Committee Meeting held 6 April 2005 be adopted.

15. Notices of Rescission Motion

Nil

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16. Notices of Motion

Nil

17. Items for Information

17.1 Tender - Bitumen Spray Sealing of North-South Runway - Illawarra Regional Airport (8329418)

17.2 Coming Events & Activities Community Services Section (8331580)

17.3 Investments (8329541)

736 RESOLVED: Hawker/Greig

That the Items for Information be received and noted.

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

General Manager's Verbal Report to Council

The General Manager addressed the Council in relation to an "unrelenting campaign of criticism, allegations of corrupt behaviour, maladministration and sexual impropriety over the last few years" directed against certain senior Council staff and himself. He advised that even family members of staff have been targeted.

He stated that he wished to draw Council's attention to three specific attacks launched against himself and a senior staff member over the last couple of weeks as an example of the harassment which council officers are being subjected to.

He informed Council that on 11 April 2005 an anonymous letter, containing a white feather, was posted to a senior staff member's home address. This has been shown to police.

On 31 March 2005 a resident, who did sign their name, forwarded a letter to that same senior staff officer at the Council. The letter contained a most disgusting allegation against this officer. This letter has been passed onto the appropriate authorities including Council's solicitor.

On 18 April 2005 a further letter, signed by the author, addressed to the General Manager was received at Council.

The General Manager read the letter in full to the Council meeting. The letter contained the threat of a series of letter box drops in the General Manager's home neighbourhood that would continue until he was no longer General Manager.

The writer attempted to justify his threats as retaliation for the General Manager's recent action in relation to a fine issued to the employer of a person protesting against certain

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Council operations. The General Manager stated that "The person to whom the writer refers, appeared to be using his employer in his protest against certain Council operations to such an extent that he involved his employer in something illegal and Council had to fine that employer".

The General Manager stated that he made no apologies for his actions as General Manager and that he will continue to exercise his duties as he believes the Council, the community and his own standards require him to do so.

The Mayor responded to the General Manager's speech by commenting that when credible people are attacked and harassed, not just the General Manager but other Council staff and Councillors, he believes it is time that Council started passing some resolutions to challenge this behaviour and take these matters to court. He added that he believed it is essential that these matters be dealt with to try to protect councillors, council officers and their families.

737 RESOLUTION: Bird/Jeffreys

That a report be provided to Council with recommendations on the best way forward.

That Councillors unanimously express support for the General Manager and his staff.

CARRIED UNANIMOUSLY

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18. Questions without Notice

738 Councillor Stewart asked whether the morning teas for special needs customers of the library which were previously held will be continuing.

739 Councillor Stewart advised that she had been notified of a claim that Library books were dumped at the tip and asked that this be investigated.

740 Councillor Jeffreys asked if Council had been advised of changes to planning regulations which would mean that all planning issues and Development Applications would go directly to the Minister for Planning's office for consent.

The General Manager commented that there had been a story on the front page of the Sydney Morning Herald this morning with regard to bigger projects going to the Minister to speed up processing. Nothing official has been decided or notified.

741 Councillor Jeffreys suggested that the Code of Conduct under Councillor's desks was different than the one the General Manager was quoting from.

742 Councillor Hore pointed out that when Item 11.2 was being discussed a foreshadowed motion was seconded. He queried if this was correct procedure.

The General Manager replied that, whilst this had occurred, it had no legal effect. A foreshadowed motion is merely on notice to assist the debate, and cannot be moved and seconded until the Motion is lost.

743 Councillor Gillett asked whether clearing of overgrown vacant blocks could be enforced.

The Director Operations and Services advised that notices of intention to issue an order are sent out. Due process is followed and then if owners do not comply Council does the work and charges the owner.

744 Councillor Rose asked whether it is possible to erect signs to alert people when conditions at Lake Illawarra are not safe for swimming due to red algae.

745 Councillor Rose stated that he had received a letter from the Director Operations & Services today regarding trucks parking illegally in Shell Cove stating that Inspections have revealed no illegal parking. He asked that this matter be pursued further as he still believes trucks are illegally parking.

746 Councillor Rose said that broken and bent signs still need replacing in the area from Shellharbour Road Barrack Point towards the beach.

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747 Councillor Mifsud asked whether the golf club lease has been signed.

The Group Manager Corporate Planning advised that the lease has to be supported by a plan of subdivision. Lots need to be identified for hotel site, driving range and golf course proper. The completion of this plan is the main sticking point at the moment. As soon as plans are ready they will be forwarded to Shellharbour Links for signing.

748 Councillor Mifsud – Adjoining residents to a Laneway at Shell Cove have complained that they were not notified of the laneway before purchasing their blocks.

The General Manager stated that he has sent a memo to the Director Shell Cove Business Unit and is waiting for a report back from him.

749 Councillor Mifsud stated that the day care centre at the Shell Cove school has been completed with no turning bay. Need a site inspection to highlight concerns.

The General Manager advised that this is a matter for state government. He will arrange an inspection and forward a letter to the state government outlining concerns.

750 Councillor Hawker asked if the Mayor could include something in his column regarding the 600 people who attended the Anzac service at Albion Park. He said the service was really very special.

The Mayor advised that he intends to do that and notify the residents of the presentation made to the Mayor and Council of some of the sands of Gallipoli by the Albion Park and Warilla RSL Sub-branches.

751 Councillor Stewart asked that thanks on behalf of Councillors be passed onto Katrina Carroll and staff of the Communications Unit for their excellent organisation of the Anzac Service at City Park.

752 Councillor Hawker asked that in future that Councillors receive a list of times of the start of Anzac services.

753 Councillor Hawker – Ashburton Drive street lamps out need replacing.

754 Councillor Greig advised that she had heard that Wollongong City Council have to find about \$5 million for superannuation liabilities this year. Do we have similar problems.

The General Manager commented that Wollongong have a much larger workforce but that Shellharbour Council would have a proportionate liability. He said that if any councillors would like to know how the budget is looking they can contact him for advice as he would like to brief the Councillors on an individual basis.

755 Councillor Greig advised that Council is hosting innovation week on Monday and requested that if possible all councillors attend seeing we are hosting the event.

Meeting closed 10.22 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 17 May 2005

General Manager

Chairperson