

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at Flinders Child & Family Centre
on Tuesday 22 November 2005 commencing at 7.15 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
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
Acting Group Manager Planning Services	K Fairhall
Corporate Solicitor – Manager Legal & Property Services	B McCann
Manager Development Services	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
Corporate Meetings Officer	J Larsen

Acknowledgement to Country

The Mayor read to the Meeting "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

2. Confidential Business (Committee of the Whole)

Nil

3. Recommendations from Committee of the Whole

Nil

4. Confirmation of Minutes

4.1 Ordinary Meeting 2 November 2005

1162 RESOLVED: Briggs/Hawker That the Minutes of the Ordinary Council Meeting held on 2 November 2005 be confirmed as a correct record of proceedings with the addition at Item 11.6 that Councillor Mifsud asked a question of the Director Operations & Services saying that he believed there had been no maintenance at the tennis courts and this was why their condition had deteriorated.

Councillor Hawker advised that after reviewing the Minutes from the Extraordinary Meeting 20 September 2005 and the list of Committees and Working Parties he had discovered an error in the delegates to the Dunmore Lake Sand Quarry – Stage 1 Community Consultative Committee and the Dunmore Quarry Community Consultative Committee. He advised that he had never been a delegate to these committees and that the correct delegate should be Councillor Barry Bird with alternate delegate Councillor Helen Gillett.

1163 RESOLVED: Hawker/Bird

That the Committees and Working Parties records be altered to show the delegate to the Dunmore Lake Sand Quarry – Stage 1 Community Consultative Committee and the Dunmore Quarry Community Consultative Committee as Councillor Bird with Councillor Gillett as alternate.

5. Pecuniary Interest

Note: Initially no Pecuniary Interests were declared, however as the meeting progressed to Item 11.9 and 11.10 it became apparent to Councillor Greig that she did need to declare an interest in these items.

Councillor Greig: Item 11.9 Drainage – John Street, Shellharbour (8450906)

Nature of Interest: Councillor Greig is an owner of land in Addison Street from which it was proposed that Streetscape funds should be re-allocated for drainage works.

Councillor Greig: Item 11.10 Drainage, Vehicular Safety Fence and Associated Works - Mary Street, Shellharbour (8450906)

Nature of Interest: Councillor Greig is an owner of land in Addison Street from which it was proposed that Streetscape funds should be re-allocated for drainage works.

6. Condolences

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

Mr Dean Jason Fury	of	Albion Park
Mr Maurice Calvert	formerly of	Albion Park Rail
Mrs Margaret (Flossy) Conlan (nee Brown)	of	Albion Park Rail
Mrs Marjorie Phyllis Mason	formerly of	Albion Park Rail
Mrs Angela Grasa	of	Mt Warrigal
Mr Simon Gutierrez	of	Mt Warrigal
Mrs Mary Bowden (nee Smith)	of	Shellharbour
Mr Thomas Patrick (Tom) McGoldrick	of	Shellharbour
Mr Ronald John (Tank) Anderson	of	Warilla
Mrs Frances Baines (nee Harvey)	of	Warilla
Mr Edward Joseph Ted (Gundy) Davis	formerly of	Warilla
Mr Frank Edward Harrison	of	Warilla
Mr Peter Alexander Keysper	of	Warilla
Mrs Anna Law	of	Warilla

The Mayor made special mention of the passing of Mr Dean Fury who was the husband of Council employee Mrs Linda Fury and brother of Council employee Mrs Kim Cavanaugh.

1164 A Motion of condolence was passed by all present standing in one minutes silence.

7. Presentations

The Mayor advised the meeting that Shellharbour North Beach has been declared the Illawarra's cleanest beach for 2005 through the Clean Beach Challenge. This award was given to Shellharbour North Beach for the second consecutive year.

8. Mayoral Minutes

The Mayor requested that this item be moved to the end of the meeting as he had an item he believed would be more appropriate to address at that stage.

1165 RESOLVED: Briggs/Greig

That this item be moved to the end of the meeting.

9. Councillors' Reports

The Mayor advised that he had made a decision to waive fees for entrance to the 25m pool at Oak Flats when he was advised that the main pool unexpectedly needed to be closed for repairs to a valve last Saturday 19 November. This closure had inconvenienced patrons of the main pool who arrived at the pool not expecting to have to pay for entry. He asked that Council endorse his actions to waive fees for entrance to the 25m pool for that one day only.

1166 RESOLVED: Briggs/Hore

That Council endorse the Mayor's actions in authorising the waiving of fees at Oak Flats Pool on Saturday 19 November for one day only.

Councillor Rose stated that he had received no notice nor report that this item was to be addressed in the agenda.

The Mayor noted Councillor Rose's concern and stated that where possible he will advise all councillors of such matters in advance in the future.

10. General Manager's Office

10.1 September 2005 Quarter Budget Review (8449137)

1167 RESOLVED: Hawker/Leedham

1. That Council adopt the September Quarter Budget Review with all new items as contained in this report. This will result in a revised budget deficit for the year ended 30 June 2006, of \$503,383.
2. That the Grants listed in the new item section of this report be accepted.

10.2 Management Plan Quarterly Report, July to September 2005 (8451088)

1168 RESOLVED: Bailey/Bird

That the report be received, noted and endorsed.

11. Operations & Services Division

11.1 DA No. 217/2005 (Pt 2) - Lot 1, DP 359424, 52-54 Wollongong Street, Shellharbour - Application to Modify Development Consent No. 217/2005 to Delete Condition No. 71 & Substitute a Restrictive Covenant Regarding Construction of Townhouses (8451060)

MOTION: Rose/Mifsud

That the Council refuse the application to modify Development Application No. 217/2005 (Pt 2) – Lot 1, DP 359424, 52-54 Wollongong Street, Shellharbour as it is a departure from normal practice.

FORESHADOWED MOTION: Gillett/Jeffreys

- A. That the Council approve the application to modify Development Application No. 217/2005 by way of the deletion of Condition No. 71 of the development consent under Section 96 of the *Environmental Planning & Assessment Act, 1979*, as amended, and impose on the consent, the additional four conditions following the conclusion.
- B. That the Council require the Registered Proprietor of the land to provide an unlimited corporate guarantee, guaranteeing the performance of the purchaser from the Registered Proprietor of the land with respect to the development consent prior to the release of the Subdivision Certificate.

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- C. That the Council require the Directors of the Registered Proprietor of the land to provide an unlimited personal guarantee, guaranteeing the performance of the purchaser from the Registered Proprietor of the land with respect to the development consent prior to the release of the Subdivision Certificate.
- D. That, given this is a test case, that progress of this Development Application be monitored.

The MOTION on being PUT to the Meeting was LOST (3/10)

1169 The FORSHADOWED MOTION on being PUT to the Meeting was CARRIED (10/3)

11.2 DA No. 393/2005 - Lot 1, DP 216377, 3 Surf Road, Shellharbour - Demolition of Existing Dwelling and Associated Structures, Construction of Six Dwellings with Garages & Torrens Subdivision (8441092)

MOTION: Bird/Hore

That this item be deferred for a site inspection to be carried out by staff, councillors and affected residents.

Councillor Gillett FORESHADOWED a MOTION:

- A. That the Council approve Development Application No. 393/2005 to demolish the existing residence and associated structures, construct six dwellings with garages and six lot torrens title subdivision at Lot 1, DP 216377, 3 Surf Road, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act, 1979* as amended, subject to the conditions following the conclusion of this report, and either
 - i. Allow for registration of the subdivision prior to construction of the dwellings (85 conditions of development consent), or
- B. That the Council require the Registered Proprietor of the land to provide an unlimited corporate guarantee, guaranteeing the performance of the purchaser from the Registered Proprietor of the land with respect to the development consent prior to release of the Subdivision Certificate.
- C. That the Council require the Directors of the Registered Proprietor of the land to provide an unlimited personal guarantee, guaranteeing the performance of the purchaser from the Registered Proprietor of the land with respect to the development consent prior to release of the Subdivision Certificate.

1170 The MOTION on being PUT to the Meeting was CARRIED (9/4)

Note: Councillor Jeffreys requested that the site inspection be carried out late in the afternoon to allow as many councillors as possible to attend.

- 11.3 DA No. 767/2004 - Lots 3 & 4, DP 238015, 78 & 78A Addison Avenue, Lake Illawarra - Demolition of Existing Building, Construction of Three Storey Mixed Use Building - Two Retail/Commercial Units, Six Residential Units and Strata Subdivision (8441944)**

PUBLIC PARTICIPATION

Paul Nolan

Mr Nolan advised that he no longer needed to speak as he supports the recommendation but he is here to answer questions if required.

- 1171 RESOLVED: Hore/Leedham

That the Council refuse Development Application No. 767/2004 for Lots 3 & 4, DP 238015, 78 & 78A Addison Avenue, Lake Illawarra under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended for the reasons contained in this report following the conclusions.

CARRIED UNANIMOUSLY

- 11.4 DA No. 51/2005 - Lot 27, DP 751290, Swamp Road, Dunmore - Telecommunications Facility (8442880)**

Councillor Rose stated that he believed the recommendation did not adequately address the issues raised in the report.

- 1172 RESOLVED: Briggs/Jeffreys

That the Council approve Development Application No. 51/2005 for a telecommunications facility at Lot 27, DP 751290, Swamp Road, Dunmore under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 18 conditions immediately following the conclusions of this report.

CARRIED (Councillors Rose, Mifsud, Stewart and Bailey dissenting)

- 11.5 DA No. 554/2005 Lot 1907, DP 1044707, 20 Willinga Drive, Flinders - Construction of a Single Storey Dwelling with Garage and Retaining Walls (8451334)**

- 1173 RESOLVED: Bird/Gillett

That the Council determine the review under Section 82A of the *Environmental Planning & Assessment Act, 1979*, as amended by approving Development Application No. 554/2005 for the construction of a single storey dwelling with double garage & retaining walls at Lot 1907, DP 1044707, 20 Willinga Drive, Flinders under Section 80 (3) of the

Environmental Planning & Assessment Act, 1979, as amended, subject to the 25 conditions following the conclusion.

11.6 DA No. 362/2005 - Lot 15, DP 15107, 38 Wollongong Street, Shellharbour - Demolition of Existing Structures & Construction of Infill (Dual Occupancy) Development (8450432)

PUBLIC PARTICIPATION

Max Clay

- Mr Clay advised that he was against the development
- This is his second address to Council in two years regarding this proposal – relates to development of most sought after real estate in Shellharbour City.
- Mr Clay requested those in the gallery who supported refusal of the DA to stand to indicate their support.
- Representing a group of residents forced to defend preservation of their access to a scenic view – no one owns a view but rates high because of position.
- Proposed development does not comply with building code – particularly with regard to height and floor space ratio.
- Affects huge number of people in other nearby streets
- Stop architects pushing boundaries.
- Short notice of DA going to Council made it difficult for residents to take in and grasp the issues.
- Easterly access encroaches over sensitive sloping embankment.

1174 RESOLVED: Stewart/Greig

That Mr Clay be given an extension of time to continue his address.

- Engineers do get it wrong.
- Protect our biggest and most valuable asset – our homes.

Councillor Leedham asked Mr Clay if the building line was moved back 2 metres would that satisfy the residents' concerns.

Mr Clay advised that that would help but would not address the height problem.

Yvonne Staff on behalf of Beth Channell

- Mrs Staff advised that she is speaking on behalf of neighbour directly next door to the proposed development.
- Proposal does not strictly comply with DCP
- Concerned with loss of views
- Long term resident – would have expected some consideration.
- Prospect of being disturbed by devaluation, reduction in outlook, overshadowing, reduction in privacy, increased street parking, destabilising of eastern embankment
- Increasing setback may alleviate concerns

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- Recommend the full 56 conditions apply
- Thanks for councillors who attended sight inspection.

Councillor Hore asked if the setback was moved 2 metres would Mrs Channell be satisfied.

Mrs Channell advised that 3 metres would bring it back into line with the neighbouring buildings.

Andrew Coble

- Mr Coble advised that he is the architect acting for the owner
- Height limit exceeded by .6 m because of the basement. Does not effect the actual building height. Providing building with extra storage space. Take basement away it would be compliant height.
- Easement at the back is under the deck – sewerage pipe only, not effected by structure
- No increase of street parking as visitors' space provided
- Rear building line – actually based on line of the coast. Curves around.

MOTION: Jeffreys/Mifsud

That this item be deferred to allow council officers to negotiate with the owner and architect, based on the key items raised in Public Participation, to see if a solution can be reached that will satisfy all parties.

1175 The MOTION on being PUT to the Meeting was CARRIED UNANIMOUSLY

1176 RESOLVED: Hawker/Greig

That the meeting recess for 5 minutes.

Meeting adjourned at 8.35 pm

Meeting resumed at 8.45 pm

11.7 DA No. 419/2005 - Lot 21, DP 864125, 3 Towns Street, Shellharbour - Demolish Existing Structures, Construct Two Storey Dual Occupancy with Garages & Strata Subdivision (8450643)

MOTION: Gillett/Greig

That the Council approve Development Application No. 419/2005 to demolish existing structures, construct two storey dual occupancy with garages & strata subdivision under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 69 conditions following the conclusion.

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Councillor Rose FORESHADOWED a MOTION: That this item be deferred to the next meeting.

1177 The MOTION on being PUT to the Meeting was CARRIED (Councillors Rose, Mifsud, Stewart and Bailey dissenting)

11.8 Public Exhibition of Elliot Lake/Little Lake Flood Study (8450152)

The Group Manager Development and Technical Services addressed the meeting to outline the Floodplain Risk Management Process as it relates to Shellharbour City. He advised that Council's Flood DCP provides generic development controls. As Floodplain Risk Management Plans are completed for each of the catchments and adopted they will be annexed to the DCP and will take precedence over the generic controls.

The Mayor interrupted the Group Manager Development & Technical Services' speech to ask Mrs Turnbull, a member of the gallery, to take the sticker off her mouth. Mrs Turnbull complied.

During debate on this item Councillor Bailey MOVED a POINT of ORDER that Councillor Briggs had needed to be brought into line by the Mayor three times in the last few minutes.

The Mayor acknowledged the POINT of ORDER.

1178 RESOLVED: Hore/Jeffreys

That the draft *Elliot Lake/Little Lake Flood Study* be placed on public exhibition for a period of 28 days from 1 February 2006 to 28 February 2006.

11.9 Drainage - John Street, Shellharbour (8450620)

MOTION: Rose/Mifsud

That Council allocate \$97,000 from Shellharbour Streetscape for drainage improvements in John Street, Shellharbour.

Note: As a result of this motion being proposed, Councillor Greig here declared a pecuniary interest in Item 11.9 as she is an owner of land in Addison Street from which it was proposed that Streetscape funds should be re-allocated for drainage works.

Councillor Greig left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

Councillor Jeffreys referred to the Code of Meeting Practice where the rule states that no placards or signs are to be brought into the Council Chambers and advised the Mayor that Mrs Turnbull was wearing a sign, the sticker that was originally on her mouth, on her shirt.

The Mayor asked Mrs Turnbull to remove the sign.

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1179 The MOTION on being PUT to the Meeting was LOST (5/7) (7 Absentions)

Councillor Greig here returned to the Chamber.

11.10 Drainage, Vehicular Safety Fence and Associated Works - Mary Street, Shellharbour (8450906)

MOTION: Mifsud/Rose

That Council allocate \$41,439 from 'Ward E Traffic Facilities' and \$27,561 from 'Shellharbour Streetscape' for Option 1.

Note: As a result of this motion being proposed, Councillor Greig here declared a pecuniary interest in Item 11.10 as she is an owner of land in Addison Street from which it was proposed that Streetscape funds should be re-allocated for drainage works.

Councillor Greig left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

Councillor Bailey MOVED a POINT of ORDER that Councillor Briggs was continually "sniping" and making remarks on previous issues.

The Mayor upheld Councillor Bailey's POINT of ORDER.

1180 The MOTION on being PUT to the Meeting was CARRIED UNANIMOUSLY

Councillor Greig here returned to the Chamber.

11.11 Shoulder Works, Cycleway, Kerb & Gutter - Stapleton Avenue & Tongarra Road, Albion Park (8438854)

The Mayor requested the removal of a member of the gallery seated next to Mrs Turnbull in the front row seats as he felt he and the Council was being mocked as he tried to control the meeting.

Two members of the gallery vacated the Chamber.

1181 RESOLVED: Hawker/Greig

1. That the Council adopt Option One and allocate \$46,100 from 'Albion Park Streetscape' funds for the construction of kerb and gutter, shoulder and a cycleway on the corner of Tongarra Road and Stapleton Avenue.
2. That Recommendation 1 above be subject to a satisfactory agreement being reached with the Developer in relation to the delivery of this work as a complete package.

3. That the budget be amended accordingly.

11.12 Review of Council's decision for part access only to documents under Section 12 of the Local Government Act (8403244)

1182 RESOLVED: Briggs/Leedham

That Council continue to restrict access to all those applications made under S.12 of the Local Government Act, for access to the specific document outlined in this report.

CARRIED (9/4)

11.13 Pakistan Earthquake Appeal (8451646)

1183 RESOLVED: Bailey/Mifsud

1. That Council resolve to give public notice of its intention to donate an amount of \$5,000 to the Pakistan earthquake Appeal.
2. That Council forward the donation at the conclusion of the period of public notice.

11.14 Lease of 2 Brindabella Drive, Shell Cove (8451672)

1184 RESOLVED: Briggs/Mifsud

1. That Council enter into a new lease with Ian Charles Barber and Karen Margaret Barber for the occupation of Lot 1083 DP 866483, 2 Brindabella Drive, Shell Cove for a term of 5 years commencing on 22 December 2005 at a commencing rental of \$6,600.00 per annum.
2. That the seal of Council be affixed to the documentation associated with the lease and transfer of business to Ian Charles Barber and Karen Margaret Barber for the occupation of Lot 1083 DP 866483, 2 Brindabella Drive, Shell Cove.

12. Community Planning & Strategies Division

12.1 Good Graffiti and Graffiti Busters Programs (8450328)

1185 RESOLVED: Jeffreys/Hore

That Council receive and note this report

12.2 Affix Seal to the Acceptance of Funding Variation from the Department of Ageing, Disability and Home Care (8450129)

1186 RESOLVED: Hawker/Jeffreys

That Council resolves to affix Council's seal to the Acceptance of Funding Variation between Council and NSW Dept of Ageing, Disability and Home Care.

12.3 Shellharbour Village Safety Audit (8452947)

1187 RESOLVED: Rose/Bird

1. Endorse the actions currently being undertaken which address category 1 recommendations of the safety audit.
2. Not support category 2 recommendations of the safety audit as these recommendations lack technical merit and if implemented would not increase safety or amenity.
3. Further investigate category 3 and 4 recommendations and consider funding in the 2006/2007 budget.

12.4 Draft Standard Instrument LEP and Planning Reforms (8450191)

1188 RESOLVED: Greig/Bird

That Council receive and note this report.

13. Shell Cove Business Division

13.1 Shell Cove Project Progress Report to 13 November 2005 (8450711)

1189 RESOLVED: Hore/Gillett

1. That this report be received and noted.
2. That the General Manager's component of this Report be adopted.

CARRIED (Councillors Mifsud, Rose, Stewart and Bailey dissenting)

Councillor Briggs reminded the Mayor of the need for an inspection of Myimbarr as had previously been agreed to.

14. Committee Recommendations

14.1 Recommendations from the Traffic Committee Meeting held 2 November 2005 recommended for adoption.

1190 RESOLVED: Greig/Briggs

That the Recommendations from the Traffic Committee Meeting held 2 November 2005 be adopted.

14.2 Recommendations from the Staff Committee Meeting held 9 November 2005 recommended for adoption.

1191 RESOLVED: Briggs/Greig

That the Recommendations from the Staff Committee Meeting held 9 November 2005 be adopted.

CARRIED (Councillors Stewart and Mifsud dissenting)

14.3 Recommendations from the Staff Committee Meeting (in Committee of the Whole) held 9 November 2005 recommended for adoption.

1192 RESOLVED: Briggs/Greig

That the Recommendations from the Staff Committee (in Committee of the Whole) Meeting held 9 November 2005 be adopted.

CARRIED (Councillors Stewart and Mifsud dissenting)

15. Notices of Rescission Motion

15.1 Rescission Motion submitted by Councillors Mifsud, Rose and Bailey (8448757)

RESCISSION MOTION: Bailey/Rose

That Council rescind the resolution of Item 10.2 of the Ordinary Meeting of Council held on 2 November 2005.

Councillor Hawker MOVED a POINT of ORDER that Councillor Bailey's right of reply is not a forum for asking questions.

The Mayor upheld the POINT of ORDER.

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1193 The RESCISSION MOTION on being PUT to the Meeting was LOST (Councillors Bailey, Mifsud, Rose and Stewart for the Motion)

16. Notices of Motion

Nil

17. Items for Information

17.1 Neighbour Network Kit (8450358)

17.2 Book Release (8450605)

17.3 Investments (8451548)

1194 RESOLVED: Hawker/Briggs

That the Items for Information be received and noted.

18. Questions without Notice

1195 Councillor Stewart said that she had been advised that a BBQ near the kiosk on Reddall Parade is not working and that a bench seat has also been vandalised. She requested that this be investigated and repaired, preferably before the Christmas holidays.

1196 Councillor Stewart said that she had again been asked whether the clothing bin in Kingston Street Oak Flats has Council approval and requested advice on this.

1197 Councillor Jeffreys noted a number of street signs pulled out around the city. She commented that the concrete base on these signs seems to be fairly shallow and asked whether it could be increased in volume and perhaps put in deeper to make it more difficult to pull out.

The Director Operations & Services advised that the problem with reinforcing the base is that vandals can then bend the post when they try to remove them and there would be an added cost for more concrete.

1198 Councillor Jeffreys advised that there is a light out at the intersection of Industrial Road and Warroo Street, Oak Flats and requested that it be fixed.

1199 Councillor Jeffreys asked whether the committee and working party positions that remained vacant after the Extraordinary Meeting of 20 September 2005 could be resubmitted to another meeting for consideration of nominations.

1200 Councillor Gillett asked whether councillors were aware that last Sunday, Councillors Bird and Hawker and herself attended the NSW State Softball Championships at Albion Oval. She advised that the organisers of the event were impressed with the preparation and condition of the grounds for the event.

1201 Councillor Rose asked when the Myimbarr Wetlands will be officially opened.

The Mayor advised that he is organising this event.

1202 Councillor Rose advised that he had received more complaints about dogs off leash. He asked who people should notify of such instances.

1203 Councillor Rose commented on advice that he had received about the number of garbage bins destroyed in the city (384 bins destroyed). He asked whether Council could look at some other way of stabilising or protecting bins or alternate designs.

The Director Operations & Services advised that we are currently under a contract for supply of bins. He said that when the contract expires Council could reconsider options.

1204 Councillor Rose asked if there is a city rule that bins must be stored out of sight?

The Director Operations & Services advised that there are rules that apply in some cases but not a general city-wide rule with regards to this.

1205 Councillor Rose asked whether after the three weeks allowed for submissions regarding Public Participation could a councillor briefing be arranged.

The General Manager advised that it would be more appropriate to wait until the report back to Council is prepared considering the submissions and input from staff.

1206 Councillor Mifsud stated that he was sad to read in Illawarra Mercury a story about lady with breast cancer needing support to help purchase medication. He congratulated the Mayor on his challenge on local radio to help raise money for this cause. Councillor Mifsud challenged all councillors to consider contributing \$100 to this cause.

The Mayor advised that this is up to individual councillors to decide.

1207 Councillor Mifsud advised that there is graffiti on Shellharbour pool amenities block and requested that it be please cleaned up.

1208 Councillor Bailey asked whether works programs discussed for Skiway Park were underway.

The Director Operations and Services advised that follow up work is progressing and Council is getting estimates on fencing and gates.

1209 Councillor Hawker noted the closure of Tongarra Road for bridge works last night. He asked whether the works would be finished tonight.

The Director Operations & Services advised that Council had found that the bridge was being undermined and remedial works were needed involving excavation, stabilising and back filling. Works commenced last night and should conclude tonight.

1210 Councillor Greig advised that lighting in the vicinity of Albion Park library is still quite dark. She said she believes this is a safety issue and asked whether it could be addressed.

1211 Councillor Greig advised that a vacant block of land at 151 Tongarra Road is in a neglected state. She asked how long is allowed after DA approval before building must commence.

8. Mayoral Minutes

This item was deferred to the end of the meeting see Minute No. 1165

The Mayor addressed the Councillors and stated that he was concerned at the "latest dirty tactics" being employed by some local residents. He stated that he is always ready for debate but would not tolerate lies and misinformation being spread.

He said he believed that certain parties were unfairly representing Council on a number of issues, were treating residents with contempt and were trying to create disharmony amongst the community.

He mentioned two particular cases in point.

Firstly, an "Anti-fence" petition being circulated falsely claimed that he as Mayor and Council were supporting the installation of a fence and median strip along Tongarra Road.

He advised that the last Traffic Committee meeting recommended that the RTA proposal for installation of a median and fence on Tongarra Road go out on public exhibition. He stated that the petition organisers should be ashamed for stating something that was clearly untrue. He added that they had not even been honest enough to put their names on the petition. He also stated that a gentleman soliciting signatures for the petition in Oak Flats had made defamatory comments regarding the Mayor's family.

Secondly, the Mayor reiterated the fact that Council has no intention of banning Public Participation as the resolution of the meeting held 2 November 2005 clearly states; a cooling off period only was recommended.

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

Meeting closed 10.25 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 13 December 2005

General Manager

Chairperson