

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 07 February 2006 commencing at 7.17 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 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
Corporate Solicitor – Manager Legal & Property Services	B McCann
Acting Group Manager Planning Services	K Fairhall
Group Manager Organisational Development	B Rose
Manager Financial Services	P Henderson
Manager Development	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
Corporate Meetings Officer	J Larsen

## **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

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

Nil

### **3. Recommendations from Committee of the Whole**

Nil

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

#### **4.1 Ordinary Meeting 13 December 2005**

Councillor Bailey expressed concern that his comments with respect to Item 11.5 were not included in the Minutes.

- 1 RESOLVED: Briggs/Greig That the Minutes of the Ordinary Council Meeting held on 13 December 2005 be confirmed as a correct record of proceedings.

CARRIED 9/4 (Councillors Mifsud, Rose, Stewart and Bailey dissenting)

### **5. Pecuniary Interest**

**Councillor Bird:** Item 12.7 Proposed Expression of Interest for Sale/Development of Motel Site – Shell Cove

**Nature of Interest:** Councillor Bird is a Killalea State Park Trust board member. Killalea State Park is adjacent to the proposed development. He does not believe that he has a Pecuniary Interest however he wished to place this connection on the public record.

## **6. Condolences**

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

Beryl Cartwright	of	Albion Park
Eileen Marion Firth (nee Castle)	of	Albion Park
Catherine Mavis Hungerford	of	Albion Park
Jack Ledner	of	Albion Park
Frederick James (Fred) Lawler	formerly of	Albion Park
Irene Morgan	of	Albion Park
Neville Samuel (Sam) Porter	of	Albion Park
George Raftery	of	Albion Park
Cliff Bumker (Snr)	of	Albion Park Rail
Lionel Arthur Gain	of	Albion Park Rail
Adrian Engelbertus Lambert	of	Albion Park Rail
Ron (Darby) Munro	of	Albion Park Rail
Aileen Shaw	of	Albion Park Rail
Franco Spagnolini	of	Albion Park Rail
Cyril John Whittington	of	Albion Park Rail
James Robert Bennett	of	Barrack Heights
F. H. (Harry) Craven	of	Barrack Heights
Alma Eagling	of	Barrack Heights
Vito Gasparrini	of	Barrack Heights
Harry Hall	of	Barrack Heights
Winifred Newton	of	Barrack Heights
Bozinovski Kosta Nikolovski	formerly of	Barrack Heights
James Leslie (Jim) Seymour	of	Barrack Heights
Lorna Wynn	of	Blackbutt

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Patricia Margaret Maurer (nee Sherrington)	of	Flinders
Betty Elliott	of	Lake Illawarra
Bertha Amelia Alley	of	Lake Illawarra South
Francis Samuel (Frank) Broadhead	of	Mt Warrigal
Douglas Jack Clarke	of	Mt Warrigal
Margaret Russell	formerly of	Mt Warrigal
Frederick James Starling	of	Mt Warrigal
Maurice Stanley (Maurie) Tomlins	Formerly of	Mt Warrigal
Ann Williams	of	Mt Warrigal
William (Bill) Carruthers	of	Oak Flats
Iris Patricia Coulcher	of	Oak Flats
Marta Kirchmajer	of	Oak Flats
Gary Robert Smith	of	Oak Flats
Vera Wischka	of	Oak Flats
Peter John Nobbs	of	Shellharbour
Silvester Pigner	of	Shellharbour
Aaron Curzon (Azz) Boyle	of	Warilla
William (Maxie) McFarlane	of	Warilla
Reginald (Reg) Mangan	of	Warilla
Gabriele Memmo	of	Warilla
Nita Gwendoline Williams	of	Warilla

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

### 7. Presentations

Nil

**8. Mayoral Minutes**

Nil

**9. Councillors' Reports**

**9.1 Lake Illawarra Authority (8490955)**

Councillor Briggs asked Councillor Leedham if he could provide information on problems with pollution of Lake Illawarra particularly after heavy rain periods.

Councillor Leedham acknowledged that there are problems due to stormwater runoff. He stated that the problems are related to urban development in the vicinity of the lake. Water quality testing is carried out, however it takes one week for test results to be obtained by which time pollution levels have changed. He advised that warning signs have been erected advising the public not to swim in the lake within 3 days of heavy rain.

Councillor Leedham commented that he hoped that having a permanent opening to the Lake will help alleviate problems with pollution. Urban pollution will continue to have an impact especially after heavy rain.

Councillor Jeffreys suggested that more education about polluting drains which run directly to the Lake could help alleviate some of the problems.

The Mayor stated that that idea could be put to the Lake Illawarra Authority.

3 RESOLVED: Leedham/Hore

That this matter be received and noted.

**10. General Manager's Office**

Nil

**11. Operations & Services Division**

**11.1 Illawarra Regional Airport Working Party - Nominations for Community Representation (8489636)**

The Mayor advised the meeting that a written Public Participation submission was received from Ms Sonya McKay on this item.

MOTION: Hawker/Gillett

1. That John Streat's nomination not be accepted as it was received after the closing date for nominations.

2. That Council select a community representative to the Airport Working Party from nominees living within ½ km from the airport boundary.
3. That Council officers prepare a questionnaire for eligible nominees requesting information on availability to attend meetings and relevant expertise with a further report to come to Council upon finalisation of the results of the questionnaires.

Councillor Jeffreys FORESHADOWED a MOTION that a questionnaire be sent to all applicants to fill in to provide councillors with more information.

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

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

## **11.2 HARS Hangar Construction - Request for Assistance (8490153)**

The Mayor advised the meeting that a written Public Participation submission was received from Ms Sonya McKay on this item.

- 5 RESOLVED: Bird/Gillett

That the Council provide up to 400 tonnes of washed sand from its Dunmore sand mine with the cost of transport not being borne by Council.

CARRIED: 9/4 (Councillors Mifsud, Rose, Stewart and Bailey dissenting)

## **11.3 DA No. 841/2004 - Lot 4 and Part Lot 5, DP 3709 and Lot 1, DP 253007, Dunsters Lane, Croom - Proposed Consolidation and Redefinition of Existing Lot Boundaries (8480491)**

The Mayor advised the meeting that a written Public Participation submission was received from Cleary Bros Bombo Pty Ltd on this item.

MOTION: Bird/Greig

That the Council approve Development Application No. 841/2004 for the consolidation and boundary redefinition of Lot 4 and Part Lot 5, DP 3709 and Lot 1, DP 253007, Dunsters Lane, Croom, under Section 80 of the *Environmental Planning & Assessment Act*, 1979, as amended, subject to the 11 conditions following the conclusions in this report.

Councillor Briggs FORESHADOWED a MOTION that this matter be deferred in order for independent legal advice to be obtained.

In response to a question from Councillor Rose, the General Manager advised that in view of the fact that Council needs to be satisfied that the Manager Development Services' report complies legally, and that no legal impediment exists for the proposed development, he had asked

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Council's internal solicitor to review the report and to seek an external opinion. At this stage there is no view that the Manager Planning Services has not been correct in the assessment of, and conclusions reached in his report however, Council does need clarification on that as a legal opinion had been submitted on behalf of Cleary Bros Bombo Pty Ltd offering a different view on some aspects of the report. He stated that Council is entitled to make a decision tonight if it wishes to but it would be against his advice to do so.

6 Councillor Stewart requested that the MOTION be PUT

CARRIED 9/3

7 The MOTION on being PUT to the Meeting was LOST 6/7

Councillor Hawker seconded the FORESHADOWED MOTION.

Councillor Jeffreys requested that the Mover and Seconder of the FORESHADOWED MOTION accept an extra point that concurrence be sought from the Minister for Planning.

The Mover and Seconder accepted the additional point.

The amended FORESHADOWED MOTION:

1. That this matter be deferred in order for independent legal advice to be obtained.
2. That the matter be referred to the Minister for Planning.

8 The FORESHADOWED MOTION on being PUT to the Meeting was CARRIED 8/5

### **11.4 DA No. 553/2005 - Lot 623, DP 238040, 48 Porter Avenue, Mount Warrigal - Alterations & Additions to Dwelling (8481497)**

The Mayor advised the meeting that a written Public Participation submission was received from Mr & Mrs Damianopoulos and Mr & Mrs B Kaiserfeld on this item.

9 RESOLVED: Briggs/Bailey

That the Council refuse Development Application No. 553/2005 for alterations and additions at Lot 623, DP 238040, 48 Porter Avenue, Mount Warrigal under Section 80 of the *Environmental Planning & Assessment Act 1979* as amended for the reasons listed following the conclusion to the report.

CARRIED UNANIMOUSLY

**11.5 Acceptance of Grant Funding for 2005/2006 Floodplain Management Program (8479661)**

10 RESOLVED: Stewart/Jeffreys

1. That the Council accept the terms of the funding agreement and inform the Department of Natural Resources in writing of the acceptance.
2. That the budget be amended accordingly.
3. That Council write to the Minister for Natural Resources and thank him for the grant offer.

CARRIED UNANIMOUSLY

**11.6 Emergency Risk Management Planning - Acceptance of Grant Offer (8482638)**

11 RESOLVED: Bailey/Greig

That the Council resolve to accept the offer from Emergency Management Australia for a grant of \$90,000 to undertake emergency risk management planning covering the Shellharbour, Wollongong and Kiama LGA's. This acceptance will be conditional upon Wollongong City and Kiama Municipal Councils passing similar resolutions to accept the grant.

**11.7 Tender 2005/14 - Flinders Village Green Amenities Building (8487787)**

12 RESOLVED: Briggs/Gillett

That the Council award the Contract for the construction of the Flinders Village Green Amenities Building to Jerez Enterprises Pty Ltd's conforming tender and authorise the General Manager to affix the Council Seal to the Contract, based on Option 2:

- Construction of the amenities building based on connection to mains electricity supply in lieu of solar power for the final negotiated amount of \$116,461.42 (excluding GST), with no amendment to Council's budget.

**11.8 Stores LTA Stocktake (8488182)**

13 RESOLVED: Hawker/Stewart

That the appropriate journal entries be prepared to record in the Stores LTA Ledger and General Ledgers the write-off of stock to the value of \$419.81.

**11.9 Stores & Material Stocktake (8488180)**

14 RESOLVED: Bailey/Jeffreys

That the appropriate journal entries be prepared to record in the Stores & Materials Ledger and the General Ledgers the net write-on of stock of \$1,941.72.

**11.10 Code of Conduct Committee Charter (8478498)**

Councillor Rose expressed his concern with possible lack of objectivity of committee members.

Councillor Hawker MOVED a POINT of ORDER regarding Councillor Rose's comments regarding Council's external solicitor.

15 RESOLVED: Greig/Hawker

1. That Council adopt the guidelines specified in this report, as its charter for the operation of the Shellharbour City Council Code of Conduct Committee, established pursuant to S10.7 of Council's Code of Conduct.
2. That Council include in its policy the third dot point in clause 11.4 as follows "involved in an incident of misbehaviour of such a sufficiently serious nature as to warrant the councillor's suspension".
3. That Council confirm the independent membership of the committee as being council's external solicitor (currently Mr John Peedom of Kells the Lawyers) and council's external auditor, (currently Mr Warwick Shanks of KPMG), plus one other to be appointed on a case by case basis by the mayor and general manager.

CARRIED 9/4 (Councillors Mifsud, Rose, Stewart and Bailey dissenting)

**11.11 Computers and mobile technologies for Councillors (8477994)**

The General Manager stated that the possibility of providing an upgrade of services outlined in the report is an option to weigh up and prioritise compared to other projects at Budget time.

16 RESOLVED: Hawker/Bird

That a further report be provided to Council with full cost/benefit analysis when considering 2006/07 budget including training and environmental benefit.

CARRIED 9/4 (Councillors, Mifsud, Rose, Stewart and Bailey dissenting)

**11.12 Council Policy on Public Participation (PP) in Council meetings (8477834)**

The Mayor advised the meeting that a written Public Participation submission was received from Ms Sonya McKay on this item.

17 RESOLVED: Greig/Briggs

- 1a. That Council continue its tradition of public participation in the business of Council, by conducting a public forum on the afternoon of each Council meeting, to last for a maximum time of one hour, so as to provide a structured opportunity for members of the public to present their views to the Council on matters listed in the current agenda.
- 1b. That Council set the time for the commencement of the Public Forum at 5.00 pm on the day of the Council Meeting.
2. That Council allow participation in the public forum by properly registered participants on the basis of a maximum of two speakers "for" a recommendation in a report and two speakers "against" a recommendation in a report, that the applicant to a matter listed in the current agenda be given priority to speak and that each speaker be allocated up to three (3) minutes in which to speak.
3. That an increase in the number of speakers above the two "for" and two "against" be permitted from the list of registrants, with the consensus of Councillors or in the event that the person speaking digresses from the topic or their stated intention to speak "for" or "against" the recommendation in the relevant report.
4. That only the Chairperson be permitted to ask questions of any member of the public, council officers or councillors.
5. That a Statement of Intent be signed by each speaker prior to the meeting indicating the matter they wish to speak on and whether they wish to speak "for" or "against" the recommendation in the report.
6. That guidelines be as per the current policy and that guidelines for Public Participation be amended to reflect the changes outlined in this report and to take effect from the conclusion of this Council meeting.

CARRIED 9/4 (Councillors Mifsud, Stewart and Bailey dissenting and Councillor Rose abstaining from the vote)

**11.13 Obligation to review Ward Boundaries (8484333)**

18 RESOLVED: Briggs/Greig

That Council consider its ward boundary options and adopt an option which brings Council ward boundaries into compliance with the *Local Government Act* and is compatible with census collector district (CCD) boundaries.

**11.14 Policy on Access to Council Documents under the Provisions of Section 12 of the Local Government Act 1993 & the Freedom of Information Act 1989 (8482434)**

19 RESOLVED: Briggs/Hore

That Council adopt the attached draft Policy on Access to Council Documents under provisions of Sections 12 of the Local Government Act 1993, the Freedom of Information Act 1989 and other relevant legislation.

**11.15 Lease of unused road adjoining 1 Bridge Avenue, Oak Flats (8489855)**

20 RESOLVED: Stewart/Gillett

1. That Council approve the leasing approximately 40 sqm of part of the unused road reserve adjoining 1 Bridge Avenue, Oak Flats to Mr Rajko Djukich for a period of five (5) years at a rental of \$200.00 plus GST per annum with all terms and conditions similar to existing leases over Council roads.
2. That the Seal of Council be affixed to the lease agreement with Mr Rajko Djukich for the occupation of part of the unused road reserve adjoining 1 Bridge Avenue, Oak Flats.

Note: Councillor Briggs left the Chamber 9.10 pm.

**11.16 Lease of laneway between Wall and Trumper Streets, Warilla (8548960)**

21 RESOLVED: Leedham/Hore

That Council resolve to affix the Seal of Council to the lease agreement with Leslie Alfred Johnston and Vivienne Johnston for the occupation of the laneway adjoining Lots 555, 556 and 557 DP 240069 between Wall and Trumper Streets, Warilla.

CARRIED

Note: Councillor Briggs returned to the Chamber 9.15 pm

**12. Community Planning & Strategies Division****12.1 Adoption of Shellharbour Community Transport Fees & Charges (8488258)**

22 RESOLVED: Bailey/Hore

That, on the basis that no submissions were received following statutory exhibition, Council adopt the fees and charges schedule for the Shellharbour Community Transport as reproduced below:

	<b>Current</b>	<b>Recommended</b>	<b>Last Adjusted</b>
General Shopping Service Fee	\$5.00	\$5.00 (inc. GST)	July 2005
Sunday Excursion Fee	\$8.00	\$10.00 (inc. GST)	July 2004
Sunday Excursion Fee (short trip)	\$6.00	\$8.00 (inc. GST)	July 2004
Out of School Hour Services	\$33.00	\$38.50 (inc. GST)	July 2001
Windang Shopping Service Fee	\$6.00	\$6.00 (inc. GST)	July 2004
User Group Subsidised: Hire rate/km(large vehicle)	\$0.80	\$0.80 (inc. GST)	July 2004
User Group Subsidised: Hire rate/km(small vehicle)	\$0.60	\$0.60 (inc. GST)	July 2004
Full Cost Recovery Administration Fee	\$1.20	\$1.80 (inc. GST)	July 2004
(may apply when brokering a vehicle)	\$0.00	\$50.00 (inc.GST)	N/A
Booking Cancellation Fee (may apply if less than 24hrs. notice is given)	\$0.00	\$38.50 (inc.GST)	N/A
Vehicle Cleaning Fee (may apply when vehicle is returned in an unreasonable condition)	\$25.00	\$38.50 (inc.GST)	N/A
Minimum Fee (all vehicles)	\$38.50	\$38.50 (inc.GST)	July 2004
Volunteer Reimbursement	\$11.00	\$12.00	July 2001
Volunteer Reimbursement (OOSH)	\$6.00	\$7.00	July 2001
Shopping carers	\$6.00	\$7.00	July 2001

That the exhibited schedule stated that it is proposed to apply the newly recommended fees and charges from 08 February 2006.

**12.2 Communities For Children Consultations Proposal (8487996)**

23 RESOLVED: Hawker/Gillett

1. That Council agrees to undertake the Communities for Children Consultations for Barnardos South Coast for the 2529 postcode area.
2. That Council amend the budget to reflect the one off payment of \$2400 to be received to conduct the initial Communities for Children consultation and also the three annual payments of \$1260 to manage the focus reference groups for the project.

**12.3 International Women's Day Grant (8490310)**

24 RESOLVED: Bailey/Greig

- 1 That Council accept the grant of \$900.00 from NSW Premiers Department for International Women's Day activities.
2. That the current budget be amended to reflect this grant.

**12.4 Amendments to the Floodplain Risk Management DCP (8487041)**

25 RESOLVED: Bird/Gillett

That Council endorse the Draft Shellharbour Floodplain Risk Management Development Control Plan (Amendment No 1), as attached to this report, for public exhibition for a period of 28 days.

**12.5 Proposed Amendment to Shellharbour Rural LEP 2004 (8450176)**

The Mayor advised the meeting that a written Public Participation submission was received from Terry Wetherall – TCW Consulting Pty Ltd on this item.

Councillor Rose asked why the applicants have not been fined where in another similar case the applicant has been fined.

The General Manager advised that he will note Councillor Rose's question and consult Council Officers with regard to both issues and report back to Councillor Rose.

26 RESOLVED: Greig/Hawker

That Council defer consideration of the proposed amendment to the Shellharbour Rural LEP 2004 to the next meeting to enable this matter to be further investigated.

**12.6 Amendments to the Shell Cove DCP (8490818)**

27 RESOLVED: Briggs/Gillett

That Council endorse the Draft Shell Cove Development Control Plan (Amendment No 6), as attached to this report, for public exhibition for a period of 28 days.

**12.7 Proposed Expression of Interest for Sale/Development of Motel Site - Shell Cove (8487808)**

28 RESOLVED: Briggs/Hawker

That the Expression of Interest process commence for the sale/lease for the development of the subject land for tourist accommodation or related purposes.

CARRIED (11/1)

The Mayor advised the meeting that the General Manager wished to provide a verbal report with regard to the Killalea State Park Management Plan.

Note: The Mayor vacated the chair to leave the Chamber 9.30pm  
Councillor Greig, as Deputy Mayor took the chair.

The General Manager addressed the meeting:

The General Manager advised that amendments to the Management Plan for Killalea State Park have been placed on display seeking public comment. He stated that the document has not been formally presented to Council for Council's consideration. Therefore he advised that he had decided to have Council's Directors assess the document, based on Council's existing plans and policies and prepare a response he would send on behalf of Council's administration in order for Council's comments to be factored into the deliberations of the Trust.

Councillor Jeffreys left the Chamber 9.31 pm  
Councillor Gillett left the Chamber 9.31 pm

**13. Shell Cove Business Division**

Nil

**14. Committee Recommendations**

**14.1 Recommendations from the Australia Day/Special Promotions Committee Meeting held 21 December 2005 recommended for adoption.**

29 RESOLVED: Hawker/Briggs

That the Recommendations from the Australia Day/Special Promotions Committee Meeting held 21 December 2005 be adopted.

**14.2 Recommendations from the Australia Day/Special Promotions Committee Meeting held 21 December 2005 (in Committee of the Whole) recommended for adoption.**

30 RESOLVED: Hawker/Briggs

That the Recommendations from the Australia Day/Special Promotions Committee Meeting held 21 December 2005 (in Committee of the Whole) be adopted.

**14.3 Recommendations from the Australia Day/Special Promotions Committee Meeting held 18 January 2006 recommended for adoption.**

31 RESOLVED: Hawker/Briggs

That the Recommendations from the Australia Day/Special Promotions Committee Meeting held 18 January 2006 be adopted.

Councillor Briggs asked that the General Manager to pass on congratulations to the staff involved in the organisation of the Australia Day Celebrations.

The Mayor resumed the Chair 9.34 pm  
Councillor Jeffreys returned to the Chamber 9.34 pm

**15. Notices of Rescission Motion**

**15.1 Rescission Motion submitted by Councillors Stewart, Bailey, Mifsud and Rose (8476740)**

MOTION: Stewart/Mifsud

That the decision in respect of Item 11.6 from the Council Meeting of 13 December 2005 be rescinded.

Councillor Stewart began to speak to her Motion.

Following an interjection by Councillor Jeffreys, Councillor Bailey called a Point of Order against Councillor Jeffreys.

The Mayor asked all Councillors to settle down.

32 RESOLVED: Briggs/Hawker That Council recess for 5 minutes.

**Meeting adjourned at 9.36 pm**

**Meeting resumed at 9.46 pm**

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Councillor Stewart requested that she be able to table a petition signed by some 2000 residents against the closure of the dog pound.

The Mayor requested a MOTION to accept the petition.

MOTION: Stewart/Bailey That Councillor Stewart be allowed to table the petition.

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

The Mayor read the wording of the petition to the meeting.

Councillor Stewart spoke at length in support of the Rescission Motion highlighting her particular concerns including that the proposal to close the dog pound had not been put out on public exhibition, the relative costs, difficulty in accessing the Unanderra pound, her difficulty in gaining information from the Director Operations & Services and her other difficulties with Council.

In response to a comment by Councillor Stewart the Mayor acknowledged that he had stated that the closure of the dog pound would go out on public exhibition, however it subsequently was pointed out to him that the Companion Management Plan had already been placed on public exhibition by the previous Council in 2003 including options for a new dog pound.

At one stage a heated exchange occurred with repeated interjection by several councillors.

During the debate the Mayor warned councillors on several occasions to allow the person with the microphone to have their say without interruption and to behave in a proper manner. At one stage he issued a formal warning to all Councillors.

The General Manager reminded the Councillors that earlier in the Meeting they had adopted a Code of Conduct and they should behave as required in the Code.

Following a lengthy debate the Mayor asked the Director Operations & Services to address the concerns raised during debate on this issue.

The Director Operations & Services addressed the meeting.

He advised that the Companion Animals Management Plan was placed on public exhibition in 2003. A new facility was considered at the time the Plan was adopted and negotiations were commenced with the RSPCA to use their proposed facility. A delay was experienced and it has taken 2.5 years to resolve. Land at Unanderra has been zoned and the DA is before Wollongong Council. Council looked at other options such as sharing with other Councils; this was commented on in the report to 13 December 2005 Council meeting. Then Council prepared a financial analysis of three options: building our own basic facility, our own facility with the same level of service that the RSPCA facility would provide and the cost of using the shared RSPCA facility. The shared RSPCA facility was considered to be the best, most cost-effective long-term option.

34 The RESCISSION MOTION on being PUT to the Meeting was LOST 4/9

**16. Notices of Motion**

Nil

**17. Items for Information**

**17.1 Public Exhibition of Elliot Lake/Little Lake Flood Study (8487237)**

Note: Councillor Rose commented that there had not been any meetings of the Elliot Lake/Little Lake Floodplain Management Committee.

**17.2 Warilla Bus Shelter (8490350)**

**17.3 Events & Activities February & March 2006 (8492299)**

The Mayor advised that the Shellharbour Youth Services production of "The Twits" has been rescheduled for dates to be confirmed in March.

35 RESOLVED: Hawker/Gillett

That the Items for Information be received and noted.

**18. Questions without Notice**

- 36 Councillor Stewart** asked whether the recently approved 25 year lease for Cleary Bros at the airport complied with the requirements of the Conveyancing Act of 1919 applying to leases extending beyond 5 years.

The Director Operations & Services advised that there is a requirement that lease areas for leases extending beyond 5 years must have a registered allotment. The Cleary Bros site at the airport does have a registered allotment and therefore does comply with this condition of the Act.

- 37 Councillor Leedham** asked when bollards will be installed in the carpark in Reddall Reserve.

The Group Manager Works & Services advised that this should be done next month

- 38 Councillor Hore** asked whether the galvanised steel pipe barrier at the bottom of Surf Road Shellharbour meets Australian Standards.

- 39 Councillor Hore** requested an updated completion date for Warilla Community Centre.

The Group Manager Community Services & Development advised that it will be completed within the next few weeks.

- 40 The Mayor** asked whether the positioning of a power pole in the middle of the driveway of the community centre was appropriate.

- 41 Councillor Bird** advised that he has received letters from one of his constituents who represents the Shellharbour Dolphins swimming club advising of problems at Shellharbour saltwater pool. He requested advice on what Council is doing with regard to long-term solutions.

The Director Operations & Services advised that Council is currently investigating solutions including alternatives for a new pipe. He will be providing a report to Council, in the mean time efforts are being made to make sure there is some flow into the pool.

- 42 Councillor Bird** asked whether improvements could be made to the maintenance and cleaning of the general pool and surrounds and that the possibility of employing a full time life guard be investigated.

The Director Operations & Services advised that a report with proposals will be provided for consideration at budget time.

- 43 Councillor Gillett** asked that the Traffic Committee be requested to review speed and other conditions on Wattle Road in order to reduce noise and speed.

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**44 Councillor Rose** asked if parking bays in Addison Street, Shellharbour could be marked as often one car is taking up to two or three spaces.

**45 Councillor Rose** asked whether it is possible to have lane ropes used at Warilla pool for lap swimmers.

The Mayor advised that Councillor Rose's request would be best put in writing to the swimming pool working party.

**46 Councillor Rose** advised that he had received a complaint that the Warilla Pool life guard is not always in attendance around the pool.

The General Manager advised that this is a staff issue which he would follow up.

**47 Councillor Rose** advised that a resident had complained that an old truck with Queensland registration has been parked outside 7 William Street Warilla blocking pedestrian access. He asked that this be investigated.

**48 Councillor Mifsud** advised that he has received complaints in regards to overgrown vacant blocks in Shell Cove.

**49 Councillor Mifsud** advised that Mr Steve Doyle from the Dolphins Swimming Club had spoken with him regarding some concerns he has. He asked whether the Director Operations & Services has had a chance to go through his submission.

**50 Councillor Bailey** asked whether Council's website could be improved to enhance the profile of each councillor in line with some other Council websites he had recently observed.

**51 Councillor Briggs** thanked staff for prompt action on Australia Day when a pipe burst at Shellharbour pool. A health risk was fortunately minimised by prompt action.

**52 Councillor Briggs** stated that land at the edge of the road at Rosella Place has subsided and is dangerous. He understands that Landcom still in control of the road as it has not been handed over to Council yet. He requested that this be investigated and appropriate action taken.

**53 Councillor Briggs** advised that the stormwater drain in Addison Street, Shellharbour drains directly onto the beach and is smelly and in need of attention. He asked that this be attended to.

- 54 Councillor Briggs** asked for an update of the review of carpaking at Shellharbour.

The Mayor advised that the safety audit has been completed. A full report will come back to council as soon as possible.

- 55 Councillor Hawker** asked the Director Operations & Services about what is happening with regard to vandalism damage at Albion Park soccer fields.

The Director Operations & Services advised that the insurance assessor has approved a builder to do the works. Work is to start in the next week or so.

- 56 Councillor Hawker** advised that electricity poles in Mole Steet Albion Park have cover plates missing and asked that this be investigated.

- 57 Councillor Greig** advised that she had received complaints from Shellharbour Junior Soccer Club with regard to them not being allowed to use the No. 1 soccer field next to Warilla High School. The club has a lot of juniors registered and need the field but have been told that they are not allowed to use the field.

The Director Operations & Services advised that there has been a conflict between senior and junior clubs and that efforts are being made to resolve issues.

- 58 Councillor Greig** asked why a young couple building a home needed to provide a bushfire assessment report which then had to be in turn assessed by the Rural Fire Service.

The Manger Development Services advised that the Rural Fire Services does have to sign off on report. He asked that Councillor Greig contact him with details of the property to fully investigate the situation.

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

**Meeting closed 11.10 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 28 February 2006

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General Manager

Chairperson