

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 12 December 2006 commencing at 5.30 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 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
Corporate Solicitor – Manager Legal & Property Services	B McCann
Manager Financial Services	P Henderson
Manager Development Services	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
Corporate Meetings Officer	J Larsen
Executive Assistant	L Davey

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

An apology was tendered on behalf of Councillor Jeffreys

602 RESOLVED: Briggs/Greig. That the apology as tendered be accepted.

2. Confidential Business (Committee of the Whole)

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

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

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

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

603 RESOLVED: Briggs/Hawker

1. That Council resolve into Committee of the Whole to consider the above business as listed, together with any late reports tabled at the meeting.
2. That pursuant to Section 10A(1-3) of the *Local Government Act 1993*, the press and public be excluded from the proceedings on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) 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).

CONFIDENTIAL ITEMS

2.1 Tender 11/2006 Minor Concrete Works (8653213)

Meeting adjourned at 5.35 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 11/2006 Minor Concrete Works (8653213)

COMMITTEE RECOMMENDATION:

That Council accepts all tenders for the provision of 'Minor Concrete Works' throughout the City for the period 1 January 2007 to 31 December 2007, with the option of extending for a further 12 months period.

604 RESOLVED: Briggs/Hawker. That the Recommendations to Council from the Committee of the Whole Meeting held earlier today be adopted.

4. Confirmation of Minutes

4.1 Ordinary Meeting 28 November 2006

605 RESOLVED: Briggs/Hawker That the Minutes of the Ordinary Council Meeting held on 28 November 2006 be confirmed as a correct record of proceedings with the amendment at Item 4.2 that Councillor Stewart be recorded as voting against.

CARRIED (Councillors Rose and Stewart dissenting).

4.2 Committee of the Whole 28 November 2006

606 RESOLVED: Hawker/Briggs That the Minutes of the Ordinary Council Meeting held on 28 November 2006 be confirmed as a correct record of proceedings.

5. Pecuniary Interest

Councillor Greig: Item 11.1 DA No. 463/2006 – Lot 1001, DP 1052706, Albatross Drive, Blackbutt – 24 Residential Dwellings with Garages, Retaining Walls & Strata Subdivision (8654068)

Nature of Interest: Councillor Greig owns property near the proposed development.

6. Condolences

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

Ronald (Ron) Hunt	formerly of	Albion Park
Dianne Strong (nee McKenzie)	of	Albion Park
Ronald (Ron) McHugh	of	Albion Park Rail
John Raymond (Ray) Houldsworth	of	Barrack Point
Ronald James (Ron) Gordon	of	Flinders
Gordon Murray	of	Flinders
Richard (Rick) Lee	of	Lake Illawarra
Ken Waters	of	Lake Illawarra
Shane Walter Bonhert	of	Shellharbour
Sophie Saliou	of	Shellharbour
Arthur Jones	of	Warilla
Aussie Herbie Oxenbridge	of	Warilla

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

7. Presentations

Nil

8. Mayoral Minutes

Nil

9. Councillors' Reports

Nil

10. General Manager's Office

10.1 Delegation of Authority to General Manager during Christmas/New Year Recess (8655856)

Councillor Bailey requested that when the General Manager is away that Councillors be informed of who is acting General Manager at the time.

608 RESOLVED: Briggs/Jeffreys

- (a) That Council delegate to the General Manager or the person delegated by him to act as General Manager, the powers of Council required to carry on the business of Council from 13 December 2006 to 5 February 2007.
- (b) That the General Manager provide a report to Council, summarising any significant exercise of this delegation at its meeting on 6 February 2007.

10.2 Australian Local Government Women's Association Annual Conference - 3 to 6 May 2007 (8647591)

609 RESOLVED: Jeffreys/Hawker

1. That Council resolve to approve attendance at the 2007 Australian Local Government Women's Association (NSW) (ALGWA) Conference by any interested Councillor.
2. That any Councillors interested in attending the ALGWA Conference advise the Executive Offices by Monday, 26 February 2007 in order to meet early bird registration.
3. That approval be given to any Councillor wishing to become a financial member of ALGWA. Further, that Councillors advise the Executive Offices by Monday 26 February 2007 in order to complete the membership form. Only financial members have voting rights.

10.3 Shell Cove Sportsfields Works in Kind (8655721)

610 RESOLVED: Gillett/Bailey

That the report be received and noted.

11. Operations & Services Division

11.1 DA No. 463/2006 - Lot 1001, DP 1052706, Albatross Drive, Blackbutt - 24 Residential Dwellings with Garages, Retaining Walls & Strata Subdivision (8654068)

Note: Councillor Greig declared an interest in Item 11.1 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

Councillor Briggs asked a question of the Manager Development Services, and, having received a reply, began to ask a further question. The Mayor stopped Councillor Briggs and requested that a Motion be put before the Meeting before he could allow further questions or comment.

MOTION: Briggs/Bailey that this item be deferred in order for Council staff to negotiate a more appropriate outcome with the owner.

In response to questions from Councillor Briggs the Manager Development Services advised that the development is a private estate and has been dealt with appropriately under the Medium Density Development Control Plan with which it substantially complied.

During the course of debate the Mayor warned councillors not to interject.

The MOTION on being PUT to the Meeting was LOST (6/7) on the casting vote of the Mayor.

MOTION: Bird/Gillett

That the Council approve Development Application No. 463/2006 for the construction of 24 dwellings with garages, retaining walls and strata subdivision at Lot 1001, DP 1052706, Albatross Drive, Blackbutt under Section 80 of the *Environmental Planning & Assessment Act 1979, as amended*, subject to the 72 conditions following the conclusion.

611 The MOTION on being PUT to the Meeting was CARRIED on the casting vote of the Mayor.

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

The Mayor stated that he had to make a decision on this matter based on the report provided and information before him and would not tolerate threats made from the gallery, in particular comments made by a member of the public leaving the meeting at this point. He told the Councillors that he expected their full support with respect to public behaviour in the Chamber.

He brought the meeting back to order and requested that all councillors comply fully with the Code of Conduct.

Councillor Hawker requested a briefing regarding Meeting Procedures.

The General Manager stated that the Department of Local Government Better Practice Report had recommended training in meeting procedure.

Councillor Greig here returned to the Chamber.

11.2 Proposed Realignment of Part Calderwood Road, Albion Park (8653814)

MOTION: Hawker/Greig

1. That Council realign part of Calderwood Road between the centreline of the existing sealed carriageway adjacent to Nos 155 and 117. The estimated cost is \$147,000 including \$12,935 property acquisition and legal costs. (Option 1)
2. That Council acquire by private agreement the land required for road widening and road construction work at the bend adjacent to Nos 155 and 117 Calderwood Road. Widening of area 607m² is required from No. 155 Calderwood Road, Part Lot 1 DP 977931 and 780m² from No. 117 Calderwood Road, Lot 12 DP 248001. The widening required is shown on the attached plan.
3. That Council acquire by private agreement the land required for road widening for the future upgrade of Calderwood Road to Manson's bridge. Widening of area 2383m² is required from No. 117 Calderwood Road, Lot 12 DP 248001 and 465.9m² from No. 49 Calderwood Road, Lot 11 DP 248001. The widening required is shown on the attached plan.
4. That if negotiations are unsuccessful then Council acquire the land required for road widening by compulsory acquisition in accordance with the *Roads Act 1993* and the *Land Acquisition (Just Terms Compensation) Act 1991*. The total widening required is 607m² from No.155, Part Lot 1 DP 977931; 780m² from No.117, Lot 12 DP 248001; 2383m² from No.117, Lot 12 DP 248001 and 465.9m² from No. 49, Lot 11 DP 248001.
5. That Council fund the landowners' compensation for the land acquisitions from the current allocation for Calderwood Road reconstruction. The 2006/2007 allocation is \$130,000, Job No. 8805000.
6. That Council fund the legal costs for the land acquisitions from the current allocation, 0100260.445 for legal expenses. These costs have not been taken into account for this Job Number and could result in the budget for this Job Number exceeding its allocation.
7. That Council fund the conveyancing costs for the land acquisitions from the current allocation, 0100260.805 for conveyancing. These costs have not been taken into account for this Job Number and could result in the budget for this Job Number exceeding its allocation.

8. That the budget be amended accordingly.

Councillor Rose FORESHADOWED a MOTION that Option 2 of the report be adopted.

612 The MOTION on being PUT to the Meeting was CARRIED

(Councillors Rose, Stewart and Mifsud dissenting).

11.3 Bushfire Management Plans (8653609)

613 RESOLVED: Jeffreys/Hawker

That the Council resolve to adopt the Bushfire Management Plans for Abercrombie Crescent Reserve, Elizabeth Brownlee Reserve, Alex Hoffman Park and the Light Railway Museum Reserve.

11.4 Australian Government Water Fund/Community Water Grant - Shellharbour Nursery Runoff Treatment System (8653918)

614 RESOLVED: Stewart/Hawker

That the Council resolve to accept the Community Water Grant of \$11,404 and amend the budget accordingly. Further, that the Council resolve to commit the balance of the funding \$17,140 from existing budget allocations.

11.5 Small Environmental Projects (8654170)

615 RESOLVED: Hore/Bailey

1. That the Council resolve to approve the following grants and amend the budget accordingly.
 - Tullimbah Landcare – Rehabilitation of Illawarra Dry Subtropical Rainforest at Elizabeth Brownlee Reserve - \$2,000
 - Nazareth Catholic Primary School – Native Tree Planting - \$2, 000
 - Lake Illawarra High School – Rainwater Reuse - \$2, 000
2. That the Council resolve to defer consideration of the application from Albion Park Rail Public School until further discussions are held with the school.

The Mayor cautioned councillors regarding their behaviour.

11.6 Corporate Policy - Dealing with Difficult Customers (8654544)

616 RESOLVED: Gillett/Bird

1. That Council adopt the Draft Policy entitled "Dealing with Difficult Customers".
2. Further that the policy be reviewed in 6 months time.

CARRIED (11/2)

11.7 Requests for Donation (8653767)

617 RESOLVED: Jeffreys/Hawker

1. That Council resolve to donate the following contributions totalling \$2070:
 1. Albion Park Oak Flats Junior & Minor Rugby League
 2. Illawarra Aboriginal Community Golf Day
 3. Illawarra Branch Animal Welfare League NSW
 4. Koori Mini Olympics – Illawarra Aboriginal Vascular Program
 5. Rotary Youth Driver Awareness
 6. Shellharbour City Baptist Church Assist Inc.
2. That Shellharbour City Centre Anglican Church be granted the free tipping of green waste to the value of \$200.
3. That the following groups be recipients of proceeds from the Australia Day Breakfast by the Lake 2007, Cash for City Charities:
 1. Illawarra Rural Fire Service Communication Group
 2. Central Oak Flats Scout Group
 3. Oak Flats Lions Club
 4. Rotary Club of Shellharbour City
 5. Lake Illawarra PCYC
 6. Calderwood Rural Fire Brigade
 7. Southern Division Girls' Brigade
 8. Lake Illawarra South Primary School Breakfast Club

11.8 Ward Boundary Alteration for 2008 Election (8656137)

618 RESOLVED: Hawker/Jeffreys

That Council resolve to exhibit the now proposed ward boundaries and invite public submissions for the statutory period, with the intention of altering Council's existing ward boundaries so that they comply with the provisions of S211 of the *Local Government Act*.

11.9 Composition of the Council (8566034)

619 RESOLVED: Hawker/Greig

1. That Council consider the options listed as well as any other options able to be discerned, for the number of Wards and Councillors excluding the Mayor, to form this Council from September 2012.
2. That at the earliest appropriate Council meeting of 2007 Council determine its preferred option for the purpose of placing this option on public exhibition in accordance with the process described in his report, prior to holding a referendum in 2008.

11.10 Review of Council's Public Participation Rules (8656356)

Councillor Rose made a comment regarding Councillor Jeffreys.

Councillor Jeffreys took exception to Councillor Rose's remarks.

The Mayor called on Councillor Rose to apologise.

Councillor Rose apologised.

Councillor Bailey complained about Councillor Hawker speaking while he was addressing the meeting.

Councillor Hawker took exception to Councillor Bailey's remarks, and Councillor Bailey responded.

The Mayor again warned councillors about departures from the Code of Conduct and the need to show respect to the other people in the Chamber. He asked that councillors be heard in silence.

620 RESOLVED: Greig/Briggs

1. That Council confirm its existing Public Participation Rules with the clarification of the role of elected representatives and declared candidates with the amendment to the wording in paragraph 1 to read:

"The Public Forum is not available to elected representatives or declared candidates for potential election to public office".
2. That a timing light system be introduced to alert participants as to when their allocated time is up.
3. That when residents register for Public Participation that they be advised that they have the option of contacting all councillors by phone before the meeting to put forward their arguments and points of view to them.

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

11.11 Payment of Expenses & Provision of Facilities for Councillors under S252 and S253 of the Local Government Act 1993 (8596451)

MOTION: Jeffreys

1. That Council's policy under S252 of the *Local Government Act*, for provision of facilities and payment of expenses to Councillors, be revised in accordance with the attached draft policy and publicly exhibited in accordance with S253 of the *Local Government Act 1993*, for the purpose of eventual adoption by Council and referral to the Department of Local Government.
2. That Council defer further consideration of computerisation of its business paper and meeting agenda processes.

The Motion lapsed for want of a seconder

621 RESOLVED: Greig/Rose

1. That Council's policy under S252 of the *Local Government Act*, for provision of facilities and payment of expenses to Councillors, be revised in accordance with the attached draft policy and publicly exhibited in accordance with S253 of the *Local Government Act 1993*, for the purpose of eventual adoption by Council and referral to the Department of Local Government with the following amendments:
 - That air travel be economy class except for international travel where it would be business class.
 - That the telecommunications allowance for councillors be increased to \$300 pm, \$3,600 pa and that the Mayor's allowance be \$450 pm, \$5,400 pa.
 - That Council obtain a full costing for computers for each councillor by February next year.
2. That Council defer further consideration of computerisation of its business paper and meeting agenda processes.

12. Community Planning & Strategies Division

Nil

13. Shell Cove Business Division

Nil

14. Committee Recommendations

14.1 Recommendations from the Traffic Committee Meeting held 6 December 2006 recommended for adoption.

622 RESOLVED: Greig/Briggs

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

14.2 Recommendations from the Australia Day/Special Promotions Committee Meeting held 11 December 2006 recommended for adoption.

623 RESOLVED: Hawker/Leedham

That the Recommendations from the Australia Day/Special Promotions Committee Meeting held 11 December 2006 be adopted.

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

17.1 Clean Beach Challenge (8653930)

17.2 ICLEI Water Campaign & ICLEI Cities for Climate Protection Program (8653869)

17.3 Australian Crime and Violence Prevention Awards 2006 (8655657)

624 RESOLVED: Briggs/Hawker

That Council receive and note the items for information.

LATE ITEM

The Mayor commented on the success of the Carols by Candlelight event held last Friday evening with 10 -15,000 people in attendance.

625 RESOLVED: Jeffreys/Hore

That all Council staff involved in the organisation of Carols by Candlelight be thanked and complimented for their efforts.

Councillor Mifsud requested that next year Council do something for underprivileged children.

The Mayor advised that Council does have a program in place to assist underprivileged children at Christmas via the Mayor's giving tree through St Vincent De Paul. Many big businesses give cash donations towards this program as well. He added that there is always room to do more.

18. Questions without Notice

626 Councillor Stewart wished councillors and staff a Happy Christmas and thanked staff for their assistance this year.

627 RESOLVED: Stewart/Bird

That thanks be extended to the General Manager, Directors, Managers, Executive Office staff and Corporate Meetings Officer for their assistance to councillors this year in performing their duties.

628 Councillor Stewart asked whether a date had been set for the Dog's Day Out next year and whether Council would like her assistance in organising the day.

The Director Operations & Services advised that it is on the calendar of events with a date yet to be set and that he would be happy to work with Councillor Stewart on organisation of the event. Local approval is needed before a date can be set.

629 Councillor Stewart asked whether it is possible to implement an Alcohol-free-zone in the vicinity of the Lake View Hotel. Problems have increased with broken bottles and an increase in litter at this time of year.

630 Councillor Jeffreys requested that with the increase in multi-unit dwellings which may require separate waste management services that Council look into developing a policy prior to issues coming up.

631 Councillor Jeffreys reported an increase in roadside litter and broken glass in Oak Flats and graffiti on signage and requested that this be investigated.

632 Councillor Leedham asked whether advertisements for Council positions vacant needed to be so large. He requested that Council investigate smaller ads to reduce costs.

633 Councillor Rose asked whether the white pool attendant's shelter at Shellharbour Swimming Pool could be replaced with something more up to date and in keeping with its surroundings.

The Director Operations and Services advised that this has been a requested previously. Budgetary constraints have prevented its replacement so far.

634 Councillor Rose stated that the foreshore gates are showing a closing time of 10.00pm instead of 9.00pm and requested that this be changed. He added that the No Parking sign in front of Little Park needs to be removed as a result of removal of the gates from that location.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 12 December 2006

635 Councillor Mifsud requested that in the new year a review be conducted of the coastal policy particularly regarding the importance of a 10m setback.

636 Councillor Mifsud reported that concrete at the skateboard ramp at Shellharbour has sunk and is uneven. He requested that this be attended to as it is a safety hazard.

637 Councillor Bailey asked whether some kind of speed designated signage could be installed on Albatross Drive as a lot of residents have expressed concern with speeding vehicles.

638 Councillor Briggs requested that an update on QantasLink be provided due to concerns raised in a recent article in the Illawarra Mercury.

The Mayor advised that facts and figures in the recent Mercury article were not accurate. He advised that verified figures he had provided to the journalist were totally different than figures in the article and quotes regarding Bluescope Steel were misleading. He said that he had spoken to the Mercury about the inaccuracies.

639 Councillor Briggs asked if there is anything we can do as a Council to try to lift image of Qantaslink and make sure residents are aware of the service provided and will use it.

640 Councillor Hawker advised that residents are very happy with improvement at L R Mood Park in Albion Park.

641 Councillor Hawker asked whether Council could investigate not using investment banks which use overseas call centres as they diminish employment opportunities in Australia.

642 Councillor Briggs asked whether the possibility of paying rates at Bendigo Bank branches could be investigated.

643 The Mayor wished councillors, staff and the public a Happy Christmas on behalf of himself and his wife and requested that they be mindful of drinking and driving and other safety issues at this time of the year.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 12 December 2006

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

Meeting closed 9.33 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 6 February 2007.

General Manager

Chairperson