

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 27 February 2007 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 & Development	L Campbell
Group Manager Corporate Services	T Gearon
Group Manager Works & Services	C Watt
Group Manager Customer & Environmental 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
Acting Manager Development Services	G Meredith
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
Corporate Meetings Officer	J Larsen
Executive Assistant	D Arney

Acknowledgement to Country

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting.

1. Apologies / Leave of Absence

Nil.

2. Confidential Business (Committee of the Whole)

Nil.

3. Recommendations from Committee of the Whole

Nil.

Note: General Manager advised the meeting that he wished to resolve into Committee of the Whole at the end of the meeting to discuss some legal issues.

4. Confirmation of Minutes

4.1 Ordinary Meeting 6 February 2007

46 RESOLVED: Briggs /Bird That the Minutes of the Ordinary Council Meeting held on 6 February 2007 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.

Mr Leon Crane	of	Albion Park Rail
Ms Wendy Lynne Lapham	of	Albion Park Rail
Mrs Catherine (Irene) Sanaghan	of	Albion Park Rail
Mrs Dulcie Avnell	of	Barrack Heights
Mrs Maisie McIntosh	of	Barrack Heights
Mrs Eva Knox	of	Flinders

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Mrs Florence (Flo) Webb	of	Lake Illawarra
Mr Lance (Wizard) Williams	of	Lake Illawarra
Mr Ronald (Ronny, Pudge) Hattenfels	of	Mt Warrigal
Mr William Raymond (Bill) Tyrrell	of	Mt Warrigal
Mrs Margaret Joyce Lord	of	Oak Flats
Mrs Josephine (Jessie) Giles	of	Warilla
Mr Les Marsay	of	Warilla
Mr Henry Charles (Charlie) Martin	of	Warilla
Mrs Maria Marton	of	Warilla
Mr Rafael Munoz	formerly of	Warilla
Mr John Rueben (Jack) Orchard	of	Warilla
Miss Shelby –Anne Joy Pinch	of	Warilla

The General Manager noted the passing of Mr Athol Noble, who had given many years of service to sport in the region including in the Shellharbour area.

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

7. Presentations

Nil

8. Mayoral Minutes

Nil

9. Councillors' Reports

Nil

10. General Manager's Office

10.1 Review of Management Plan as at 31st December 2006 (8688772)

48 RESOLVED: Hawker/Greig

That the report be received noted and endorsed.

CARRIED UNANIMOUSLY

10.2 December Quarter Budget Review (8690416)

In response to questions and comments from several Councillors, the Group Manager Development & Technical Services advised that the Calderwood Road realignment needed to be deferred until finalisation of the acquisition of the land by Council had occurred and, therefore, the available funds from the Roads to Recovery Program were recommended to be reallocated to North Macquarie Road works and maintenance. It is necessary to utilise the allocated funds before the end of the financial year or they would be lost.

49 RESOLVED: Greig/Leedham

That Council adopt the December 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 2007, of \$325,312.

CARRIED: 10/3

FOR: Councillors Hamilton, Greig, Hawker, Briggs, Bailey, Bird, Gillett, Leedham, Hore, Jeffreys

AGAINST: Councillors Mifsud, Rose, Stewart

11. Operations & Services Division

11.1 Council Parks - Restriction To Sporting Activity (8689703)

Councillor Bailey MOVED a POINT of ORDER against Councillor Hawker and claimed that he was making a joke of what was a serious issue.

The Mayor ruled that Councillor Hawker was entitled to state his opinion.

50 RESOLVED: Hawker/Bailey

That signage be placed to prohibit ball sports in Hegarty Park. Further that landscape works be carried out to enhance the amenity of the park and that these works estimated to cost \$5,000 be funded from Ward A - Parks and Sportsfield improvements.

CARRIED UNANIMOUSLY

11.2 Annual Library Subsidy, Library Disability & Geographic Adjustment Grant and Local Priority Project Grant Local (8689673)

51 RESOLVED: Gillett/Jeffreys

That the Council accept the funding and that the budget be amended accordingly.

CARRIED UNANIMOUSLY

11.3 Revised policy on Payment of Expenses & Provision of Facilities for Councillors under S252 and S253 of the Local Government Act 1993 (8689980)

52 RESOLVED: Hawker/Bird

That Council adopt the revised draft policy for Payment of Expenses & Provision of Facilities for Councillors under S252 and S253 of the Local Government Act 1993

CARRIED UNANIMOUSLY

MOTION: Hawker/Bird that the General Manager provide a full cost analysis/feasibility study on the computerisation of Council's Business Paper and meeting process to Council for its consideration.

Councillor Rose FORESHADOWED a MOTION that Council defer the cost analysis until a more appropriate time.

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

FOR: Councillors Hamilton, Greig, Hawker, Briggs, Bird, Gillett, Leedham, Hore, Jeffreys
AGAINST: Councillors Mifsud, Rose, Bailey, Stewart

11.4 Licence agreement with Illawarra Model Car Club Incorporated (8689742)

54 RESOLVED: Rose/Jeffreys

1. That Council resolve to enter into a licence agreement with the Illawarra Model Car Club Incorporated for the occupation of the Model Car Track at Croom Regional Sporting Complex for a period of five (5) years at a fee of \$20.00 per annum.
2. That the Seal of Council be affixed to the licence agreement with the Illawarra Model Car Club Incorporated for the occupation of the Model Car Track at Croom Regional Sporting Complex being part Lot 1 DP 216772.

CARRIED UNANIMOUSLY

11.5 Affixing Seal to Plan of Subdivision within Lot 700 DP 1102696 & Lot 20 DP 1068961 (8690297)

Councillor Rose MOVED a POINT of ORDER against Councillor Hawker in regard to the extent of matters he is allowed to raise in debates.

The Mayor allowed Councillor Hawker to continue.

55 RESOLVED: Gillett/Bird

That Council resolve to affix the Seal of Council to the plan of subdivision for the subdivision within Lot 700 DP1102696 and Lot 20 1068961 for lease purposes.

CARRIED UNANIMOUSLY

11.6 Suburb Boundary Change Between Yellow Rock and Tullimbar (8685716)

56 RESOLVED: Greig/Hawker

That Council resolve to proceed with the current proposed new boundary as submitted to and exhibited by the Geographical Names Board of NSW.

That Council resolve to request that the Geographical Names Board consider the proposed new boundary for Gazettal at the next Board meeting on 21 March 2007.

CARRIED UNANIMOUSLY

11.7 Road Naming Industrial Road between Central Avenue & Moore Street, Oak Flats (8686482)

57 RESOLVED: Briggs/Jeffreys

1. That the section of Industrial Road between Central Avenue & Moore Street at Oak Flats remains unchanged i.e.

Industrial Road

2. That Council erect appropriate signage at the 3 locations shown on the attached plan:

- Central Avenue/Pioneer Drive roundabout
- Industrial Road and Moore Street intersection
- Industrial Road, Moore Street and Pioneer Drive intersection (Traffic Lights).

CARRIED UNANIMOUSLY

12. Community Planning & Strategies Division

12.1 Affix Seal to Report on Achievements Families First and Better Futures Funded Programs (8690282)

58 RESOLVED: Jeffreys/Bird

That Council resolve to affix the Seal of Council to the Report on Achievement Documentation for Projects funded by NSW DoCs Better Futures & Families First Programs.

CARRIED UNANIMOUSLY

12.2 The rationale behind alcohol-free zone designations (8687606)

59 RESOLVED: Briggs/Gillett

That Council receive and note this report.

CARRIED: 11/2

FOR: Councillors, Hamilton, Greig, Hawker, Briggs, Bailey, Gillett, Bird, Leedham, Hore, Jeffreys, Stewart

AGAINST: Councillors Mifsud, Rose

13. Shell Cove Business Division

13.1 Shell Cove Quarterly Report to 18 February 2007 (8677989)

60 RESOLVED: Jeffreys/Greig

That this report be received and noted.

CARRIED UNANIMOUSLY

14. Committee Recommendations

14.1 Recommendations from the Traffic Committee Meeting held 7 February 2007 recommended for adoption.

61 RESOLVED: Greig/Briggs

That the Recommendations from the Traffic Committee Meeting held 7 February 2007 be adopted with the exception of item 4.1 which is to be referred back to the Traffic Committee for further deliberation after it has been assessed by the Disabilities Services Advisory Committee.

CARRIED UNANIMOUSLY

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

17.1 Bushfire Management Program (8688981)

17.2 DEUS Approval of Water Savings Action Plan (8687646)

17.3 Greenhouse Gas Abatement Program (8687500)

17.4 Alteration to charge for Internal Review (8690268)

17.5 Seniors Week (8690287)

17.6 Investments (8690254)

62 RESOLVED: Hawker/Greig

That Council receive and note the items for information.

CARRIED UNANIMOUSLY

18. Questions without Notice

- 63 Councillor Bird** raised the issue mentioned at the last Council Meeting regarding picnic furniture apparently placed in the middle of a pathway a Bass Point. He asked what the results of Council's investigations had been.

The Director of Operations & Services advised that the project was funded under the Disabilities Strategic Plan. The Disabilities Services Advisory Committee have inspected the site and have determined that the placing of the furniture is according to the Standards and is appropriate.

- 64 Councillor Rose** stated that he would like to know why he was previously advised in 2005 that the Golf Club lease had been signed and has now learnt that it had not been signed and why he had been told Mr Linskey was locked into the lease for five years and he was not.

The General Manager responded that the *agreement to lease* had been signed at that stage and the formality of signing of the lease could not occur until after the subdivision had been completed.

- 65 Councillor Mifsud** thanked Council for responding to his request to have the Australian flag flying at the Council Chambers on days when a Council Meeting was to be held.

- 66 Councillor Mifsud** thanked Council on behalf of Mr Harris and Mr Ross McGregor that a date had been set for commencement of improvement works at Shellharbour Cemetery.

- 67 Councillor Mifsud** stated that he was advised by Council staff that a replacement fence at Bardsley Park was scheduled to be erected by the end of February 2007 and this has not occurred.

- 68 Councillor Mifsud** advised he had spoken with the Group Manager Corporate Services in relation to Budget Paper headings and that he felt that different headings are needed as the current ones are confusing.

The Group Manager Corporate Services agreed that the left hand column of the Capital Budget could be better titled and would be amended in future.

- 69 Councillor Bailey** raised the issue of rats behind the shops in Albion Park Rail. He stated that the rats were still fairly predominant. He believes the issue is considerably worse and asked whether Council can follow up on that.

The Director Operations & Services stated that Council had previously investigated the rat problem and that the rat nests were located on private property. Council has taken action to clean the car park area and the predominant issue is that the local shopkeepers need to change their practices. They have agreed that they need professional help to remove the rats.

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70 Councillor Bailey asked if Council has any control over RAAF flight paths.

The Director Operations & Services stated that Council has no control over the RAAF flight paths.

71 Councillor Briggs stated that it would appear that the frog population in Gerrard Creek, Madigan Boulevarde has been depleted, he asked if Council has recently sprayed the area and would this have contributed to the apparent loss of the frogs. He also asked if it was possible for Council to clear the creek to encourage frog life to return.

72 Councillor Briggs congratulated Council's library staff on the success of a recent sleepover at Warilla Library.

73 Councillor Hawker stated that he had been asked by a resident if it was possible for Council to make it compulsory for new buildings to have solar panels on their roofs to reduce the use of electricity to help the environment?

74 Councillor Greig asked what is the ruling on Councillors presenting photographs without notice at Council meetings.

The General Manager advised that there was no previous ruling and that he would provide a report back to Council on this.

75 Councillor Greig asked if we could make the entrances to our City more "welcoming".

The Director Shell Cove Business Unit advised that there was a new item in the Budget to review that issue.

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

76 RESOLVED: Hawker/Bailey that Council resolve into Committee of the Whole to discuss a regulatory matter and the Community Website Investigation.

Meeting adjourned at 8.55

Meeting resumed at 9.25

Recommendations from Committee of the Whole

The following Recommendations to Council from the Committee of the Whole Council were read to the Meeting by the General Manager.

1. Briefing regarding breaches by developer DA No. 912/2002

That Council Officers continue to investigate this matter and if necessary an Extraordinary Council Meeting be called.

2. Community Website Investigation

1. That Council note that Councillors may be interviewed regarding issues connected with the unauthorised disclosure of Council information as part of the ongoing investigation into this matter.
2. That Councillors note the importance of fully cooperating in the interviews.

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

Meeting closed 9.27 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 20 March 2007.

General Manager

Chairperson