

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 22 May 2007 commencing at 5.33 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 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
Group Manager Planning Services	G Hoynes
Corporate Solicitor – Manager Legal & Property Services	B McCann
Manager Financial Services	P Henderson
Manager Development Services	G Mitchell
Manager Executive Offices	F MastroDomenico
Manager Media & Communications	B Parker
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

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Nil

Committee of the Whole Council Meeting

Nil

The Mayor advised the public in the gallery that Council was about to move into Committee of the Whole (confidential) and requested that they leave the Chamber.

Mr Peter Moran made comments from the gallery in relation to moving into Committee of the Whole (confidential). Mr Moran claimed Council was not acting legally and demanded the right to speak. Councillor Bird requested that Mr Moran be removed from the chamber. The Mayor requested that Mr Moran leave the chamber.

Councillor Rose stated that he believed that the Local Government Act requires the Mayor or Chairperson to publicly state why the Council is moving into Committee of the Whole (confidential) to inform members of the public gallery.

The Mayor indicated that the Council's business paper agendas detailed the reasons why Council was moving into Committee of the Whole (confidential) and proceeded to read out this information that is available to the public in the business paper.

The General Manager stated that he would investigate Councillor Rose's claim and report back to all Councillors.

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;

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- (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.

CONFIDENTIAL ITEMS

2.1 Purchase of Land (8732339)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) (c) & (d) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (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 Council.

This item has been classified as commercial because Council has yet to finalise the negotiations for the purchase of the proposed site for the Shellharbour City Civic Centre.

Publication at this time of Council's consideration of options to establish the Shellharbour City Civic Centre on a site it currently does not own, would not be in the public interest because it is possible that other parties may seek to purchase the same property for a commercial advantage. This could result in a higher purchase price or the site being unavailable.

2.2 Shellharbour City Civic Centre (8732089)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) and 10A(2)(d)(i) and (ii) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

10(A) 2:

- (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 Council.

This item has been classified as commercial because Council has yet to finalise the negotiations for the purchase of the proposed site for the Shellharbour City Civic Centre.

Publication at this time of Council's consideration of options to establish the Shellharbour City Civic Centre on a site it currently does not own, would not be in the public interest because it is possible that other parties may seek to purchase the same property for a commercial advantage. This could result in a higher purchase price or the site being unavailable.

199 RESOLVED: Leedham/Hore

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)(c) & (d) (i) and (ii) 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 in accordance with Section 11(2) of the *Local Government Act 1993*.

Meeting adjourned at 5.35 pm

Meeting resumed at 7.15 pm

3. Recommendations from Committee of the Whole

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

2.1 Purchase of Land (8732339)

That Council authorise the General Manager to enter into negotiations for the purchase of a specified site within Shellharbour City Centre, in consultation with Council's valuer, and to take out an option if necessary, subject to the final price and conditions being reported back to Council for final approval.

2.2 Shellharbour City Civic Centre (8732089)

1. Approve further progress of the Shellharbour City Civic Centre, as detailed in the Functional Design Brief, up to the appointment of the architect and design team.
2. That a confidential briefing for the Councillors be undertaken as soon as possible.

Late Item - Confidentiality Measures

That, whilst Council is meeting in confidential session, all persons not in attendance be required to move downstairs to ensure that the debate cannot be overheard

- 200 RESOLVED: Briggs/Hore That the recommendations to Council from the Committee of the Whole Meeting (confidential) held earlier today be adopted.

NOTE: Councillor Greig did not participate in the vote for Items 2.1 and 2.2 as she declared a pecuniary interest in the Committee of the Whole Meeting (confidential).

4. Confirmation of Minutes

4.1 Ordinary Meeting 1 May 2007

Councillor Stewart requested an addition to the Minutes in relation to a question without notice that she has asked at the last Council Meeting and which was "Are you going to take all Councillors to the Land & Environment Court?". The Mayor stated that he had thought that she was not serious and that is probably why it was not shown in the minutes.

Councillor Rose MOVED a POINT of ORDER that the Mayor was saying that this was not a serious matter.

The Mayor stated that he would not accept this POINT of ORDER as he did not say that this was not a serious matter, rather that he did not believe that Councillor Stewart was serious when asking the question.

- 201 RESOLVED: Briggs/Gillett

That the Minutes of the Ordinary Council Meeting held on 1 May 2007 be confirmed as a correct record of proceedings with the amendment to a Question without Notice (Minute No. 180) from Councillor Stewart to indicate that Councillor Stewart stated "Are you going to take all Councillors to the Land and Environment Court, is that what Council is going to do?".

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Briggs, Cr Bailey, Cr Mifsud, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys, Cr Stewart
AGAINST VOTE - Cr Rose

4.2 Extraordinary Meeting 15 May 2007

202 RESOLVED: Hawker/Briggs That the Minutes of the Extraordinary Council Meeting held on 15 May 2007 be confirmed as a correct record of proceedings.

4.3 Extraordinary Meeting (in Committee of the Whole) 19 April 2007

The Mayor advised that a Councillor had approached the General Manager and informed him that he did not receive notification about providing comments to the Minutes of the Extraordinary Meeting and stated that this matter would be held over the next full Council Meeting.

5. Pecuniary Interest

Note: Councillors who declare a Pecuniary Interest at the Council Meeting are also required to complete a Pecuniary Interest Declaration form.

Councillor Greig: Item 11.5 DA No. 121/2007 – Common Property in SP 72409, 32 Sunset Avenue, Barrack Heights – Telecommunications Facility

Nature of Interest: Councillor Greig is currently doing business with Telstra.

Councillor Bailey: Item 11.7 DA No. 381/2005 – Lot 16, DP 22630, 31 Terry Avenue, Warilla – Demolish Existing Structures, Erect Two Single Storey Villas with Garages and Torrens Subdivision

Nature of Interest: Councillor Bailey was supported by the Applicant's brother in last election.

6. Condolences

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

Mrs Dulcie Ada Jeffs	of	Albion Park Rail
Mrs Kim Karner (Heron)	of	Barrack Heights
Mr Vasko Nikolovski	of	Barrack Heights
Mr John Thomas (Jack) Ward	formerly of	Dunmore
Mrs Encarnacion Olaya	formerly of	Lake South
Mrs Sylvia Muriel Emr	of	Mt Warrigal
Mrs Nanette Samuel	of	Mt Warrigal
Mr Saylor Tirchett	of	Mt Warrigal
Mr Les Fletcher	of	Oak Flats

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Mrs Jeanette Marion Room	of	Oak Flats
Mr Brian John Wilkinson	of	Oak Flats
Mrs Joan Lyons	of	Shellharbour
Mrs Connie Mary Robertson	formerly of	Shellharbour
Mr Frank Axam	of	Warilla
Mr Ross Butler	of	Warilla
Mr Antonio Gonzalez	of	Warilla
Ms Amanda Keelen	of	Warilla

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

7. Presentations

The Mayor announced that last year the Shellharbour City Crime Prevention Partnership was awarded a certificate of merit and \$5,000 in the 2006 Australian Crime and Violence Prevention Awards

The Mayor then outlined the history of the partnership with Council, the Lake Illawarra Area Command and NRMA Insurance and outlined details of the three main programs operating - Good Neighbour Scheme, the Never Again Anti-Burglary Program, and the Crime Prevention Van.

The Mayor advised that the Police Commissioner Ken Moroney presented the Certificate of Merit a couple of weeks earlier to Police Commander of Lake Illawarra Wayne Dedden, and Martin Millgate, Council's Manager Community Development and Nola Watson from the Insurance Australia Group. The Mayor announced that Commander Dedden was present to formally present the Certificate of Merit to the Council of Shellharbour City and the Mayor indicated he was delighted to accept it on behalf of Council.

The presentation was made by Commander Dedden who indicated that there were only four awards in New South Wales and Shellharbour Council received two of them. He congratulated Council and the relevant staff for their support and close working relationship with the Lake Illawarra Command and stated that this was greatly benefiting the community.

204 RESOLVED: Bird/Jeffreys

That Council formally congratulate Group Manager Community Services & Development Linda Campbell, Manager Community Development Martin Millgate and their staff for this outstanding achievement.

8. Mayoral Minutes

Nil

9. Councillors' Reports

Nil

10. General Manager's Office

10.1 Review of Management Plan for the quarter ended 31st March 2007 (8731331)

205 RESOLVED: Briggs/Bailey

That the report be received noted and endorsed.

CARRIED UNANIMOUSLY

10.2 March 2007 Quarter Budget Review (8731468)

Councillor Mifsud requested that his opposition to this motion be noted as he believes that the \$165,000 for the Lake Illawarra Authority should have been factored into the budget. Councillor Rose asked that these contributions be listed more specifically in future reports.

206 RESOLVED: Hawker/Briggs

1. That Council adopt the March 2007 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 \$361,313.
2. That the RTA Grants listed in the new items section of this report be accepted.

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Briggs, Cr Bailey, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffrey, Cr Stewart
AGAINST VOTE - Cr Mifsud, Cr Rose

10.3 National General Assembly of Local Government Darwin NT 26-29 November 2007 (8729526)

207 RESOLVED: Hawker/Hore

- a) That Council agree to send a delegate to the 2007 National General Assembly, and nominates its Voting delegate to be Councillor Hawker for the plenary session, and Voting Delegate for the mini-plenary sessions.
- b) That Council endorse the attendance of those Councillors wishing to attend as observers, and further that any Councillor wishing to attend the Assembly advise the General Manager as soon as possible.
- c) That the General Manager attend the Assembly and that he also decide which other relevant Council Officers attend.

CARRIED UNANIMOUSLY

10.4 Call to submit Notices of Motion - National General Assembly of Local Government 26-29 November 2007 (8722914)

208 RESOLVED: Hawker/Briggs

1. That Council consider submitting Notices of Motion for the 2007 National General Assembly
2. That Council staff investigate and report back to Council two proposed motions on:
 - (a) GST and how it affects this Council.
 - (b) Cost shifting.

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Briggs, Cr Bailey, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys, Cr Stewart
AGAINST VOTE – Cr Mifsud, Cr Rose,

11. Operations & Services Division

11.1 Skiway Park, Oak Flats - Volunteer Coast Guard Request (8728931)

MOTION: Briggs/Stewart

1. That Council provide up to \$80,000 from its building asset maintenance allocation to carry out alterations to the ex water ski club at Skiway Park.
2. That Council enter into a conditional license agreement with the Australian Volunteer Coast Guard to occupy the ex ski club building, in return for community services in the form of search and rescue and training courses on boat safety.

Councillor Hore FORESHADOWED a further MOTION that Council write to Wollongong City Council and the Lake Illawarra Authority requesting them to contribute \$20,000 each to be allocated to the alterations/maintenance to the Skiway Park building.

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

210 The FORESHADOWED MOTION was then Moved, seconded by Councillor Jeffreys, and on being PUT to the Meeting was CARRIED UNANIMOUSLY

Councillor Rose was absent from the Chamber.

11.2 Installation of a Roundabout at the Intersection of Terry Street and Church Street, Albion Park - RTA Part Funding Offer (8729494)

211 RESOLVED: Hawker/Greig

1. That the Council accepts the RTA's part funding offer of \$50,000 toward the completion of the roundabout at the intersection of Terry Street and Church Street at Albion Park.
2. That the budget be amended accordingly.

Councillor Rose returned to the Chamber.

CARRIED UNANIMOUSLY

11.3 Ward C and Ward A Traffic Facilities (8729687)

212 RESOLVED: Briggs/Bailey

1. That the Council bring forward Item 4.2 of the Shellharbour Traffic Committee minutes of 2 May 2007 (minutes to be addressed later in the meeting).

MOTION: Briggs/Bailey

2. That the Council consider the petition and letters against the proposed roundabout at the intersection of Captain Cook Drive and Loftus Drive, Barrack Heights.
3. That the Council endorse the Mayor's action of approving the recommendations contained within Item 4.2 of the Shellharbour Traffic Committee minutes of 2 May 2007, subject to consideration of the petition and letters.
4. That the Council amend the budget accordingly.

Councillor Hore FORESHADOWED a MOTION, seconded by Councillor Jeffreys,

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2. That Council not proceed with the proposed roundabout at the intersection of Captain Cook Drive and Loftus Drive, Barrack Heights and that the pro rata grant be refunded to the Roads and Traffic Authority.
3. That the Council endorse the Mayor's action of approving the recommendations contained within Item 4.2 of the Shellharbour Traffic Committee minutes of 2 May 2007, subject to consideration of the petition and letters.
4. That the Council amend the budget accordingly

The MOTION on being PUT to the Meeting was LOST

FOR VOTE - Cr Greig, Cr Briggs, Cr Bailey

AGAINST VOTE - Cr Hamilton, Cr Hawker, Cr Mifsud, Cr Rose, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys, Cr Stewart

- 213 The FORESHADOWED MOTION became the MOTION and was subsequently PUT to the Meeting and was CARRIED UNANIMOUSLY

11.4 DA No. 163/2001 (Pt 4), Lot 91, DP 1069273, 56 Tongarra Road, Albion Park, Section 96 Application to Amend Conditions of Consent Concerning Hours of Trade in the Morning (8697790)

MOTION: Greig/Hawker

That the Council approve the Section 96 Application to amend Development Consent No. 163/2001 (Pt 4) to amend the hours of trade to include mornings and additional days at Lot 91, DP 1069273, 56 Tongarra Road, Albion Park by amending Condition No. 51 to read as follows:

51. The restaurant and reception centre (including marquee and amenities building) shall, except for guests of the on-site tourist accommodation, be restricted to the hours of:

- Mondays – Saturdays 7.00am – 11.30pm
- Sundays – 7.00am – 10.00pm

The above hours of trade are permitted for a trial period during which Council will monitor any complaints. The trial period will cease on 30 June 2008. After this date, trade will revert to the originally approved times, being:

- Wednesdays – Saturdays 12 noon – 11.30pm
- Sundays 12 noon – 10.00pm

The applicant, if wanting reconsideration of extended trade, must lodge a Section 96 Application sufficiently in advance of the expiry date to enable an adequate processing and assessment period.

- 51a. The facilities must only be used for functions and seminars during the extended hours and during these times amplified music is not permitted.

Councillor Bird FORESHADOWED a MOTION to adopt the Recommendation. Councillor Bird withdrew the FORESHADOWED MOTION.

214 The MOTION on being PUT to the Meeting was CARRIED

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Briggs, Cr Bailey, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys
AGAINST VOTE - Cr Mifsud, Cr Rose, Cr Stewart

In reply to a question from Councillor Jeffreys, the General Manager stated that he would follow up the noise complaints from adjoining residents as outlined in the Public Forum.

11.5 DA No. 121/2007 - Common Property in SP 72409, 32 Sunset Avenue, Barrack Heights - Telecommunications Facility (8725103)

Note: Councillor Greig declared an interest in Item 11.5 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

215 RESOLVED: Briggs/Rose

That Council refuse Development Application No. 121/2007 for a telecommunications facility at the Common Property in SP 72409, 32 Sunset Avenue, Barrack Heights under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended for the following reasons:

1. The proposed facility is unsuitable for and out of character with the area.
2. The establishment of the proposed facility would be undesirable having regard to its proximity to residential areas.
3. Contrary to the public interest.

CARRIED UNANIMOUSLY

Matter Arising

216 RESOLVED: Briggs/Bird

That telecommunication towers be included in Council's LEP and DCP review.

CARRIED UNANIMOUSLY

Councillor Greig here returned to the Chamber

217 RESOLVED: Gillett/Mifsud That the meeting recess for 5 minutes.

Meeting adjourned at 9.03 pm

Meeting resumed at 9.07 pm

11.6 DA No. 10/2007 - Lot 3, DP 717776, Riverside Drive, Dunmore - Designated Integrated Development Equestrian Stables, Sheds and Exercise Yards (8727931)

MOTION: Bird/Gillett

That this matter be deferred to the next meeting of Council in order for Council staff to investigate the recent information submitted to Council by the applicant.

Councillor Rose FORESHADOWED a MOTION that this development application be approved with the relevant conditions.

The Mayor did not allow a POINT of ORDER by Councillor Mifsud taken against Councillor Jeffreys.

218 The MOTION on being PUT to the Meeting was CARRIED

FOR VOTE - Cr Hamilton, Cr Hawker, Cr Briggs, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys

AGAINST VOTE - Cr Greig, Cr Bailey, Cr Mifsud, Cr Rose, Cr Stewart

11.7 DA No. 381/2005 - Lot 16, DP 22630, 31 Terry Avenue, Warilla - Demolish Existing Structures, Erect Two Single Storey Villas with Garages and Torrens Subdivision (8727910)

Note: Councillor Bailey declared an interest in Item 11.7 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

219 RESOLVED: Hore/Gillett

That the Council determine the review under Section 82A of the *Environmental Planning & Assessment Act, 1979*, as amended, by approving Development Application No. 381/2005 for the demolition of existing structures on site and the erection of two single storey villas with garages and Torrens subdivision at Lot 16, DP 22630, 31 Terry Avenue, Warilla under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 66 conditions following the conclusion.

CARRIED UNANIMOUSLY

Councillor Bailey here returned to the Chamber.

11.8 Department of Natural Resources - Coastal Management Program - Grant Funding Offers (8718474)

Councillor Greig here left the Chamber.

220 RESOLVED: Jeffreys/Hore

That the Council resolve to accept the Coastal Management Program grants totalling \$209,300 from DNR and amend the budget accordingly. Further, Council allocate its 50% matching funding as follows.

- Bass Point & Shallows Reserve - \$15,000 from allocations in the current Environment & Recreation budget, \$30,000 to be identified in a future report to Council in the 2007/2008 budget year.
- Warilla Beach Public Access - \$62,800 – from Sec 94 Foreshore Improvements.
- Little Park Reserve Lighting Improvements - \$17,400 from Sec 94 Shellharbour Foreshore works and \$10,100 from Shellharbour Reserve Management Plan.
- Formalisation of car parks – Headland Parade, Barrack Point - \$11,392 from Sec 94 car park Headland Parade and \$17,608 to be identified in a future report to Council in the 2007/2008 budget year.
- Amenities Replacement – Headland Parade, Barrack Point - \$9,895 from Sec 94 Amenities, Headland Parade and \$35,105 to be identified in a future report to Council in the 2007/2008 budget year.

CARRIED UNANIMOUSLY
ABSENT. DID NOT VOTE - Cr Greig

11.9 Interim Review of the Code of Conduct and operation of the Conduct Committee (8718277)

Councillor Rose MOVED a POINT of ORDER that remarks made by Councillor Stewart which were critical of the Mayor and Conduct Committee were not appropriate as they could be used as evidence in upcoming legal proceedings.

Council's Solicitor stated that whilst he could not legally advise the Councillors he was suggesting that Councillors err on the side of caution.

221 RESOLVED: Bird/Gillett

1. That, subject to the finalisation of outstanding business of the Committee, all independent (non-council) members of the original Shellharbour Council Conduct Committee be discharged as at June 30th 2007 and thanked by Council for their contributions to the Committee over the past two years.
2. That Council call for expressions of interest from persons of appropriate standing and qualification from within or outside of Shellharbour City, to serve as the independent members on this Council's Code of Conduct Committee for a period of two years.

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3. That Council, as soon as possible, consider all expressions of interest and identify three appropriate persons from whom the independent membership may be selected on an "as required " basis.
4. That the Council appointed members of the Conduct Committee as required by the Model Code be the General Manager and Mayor, with the Mayor to chair the Committee, provided that the Mayor reserves the right to decline chairmanship in the event the Mayor declares a conflict of interest in the matter before the Committee, in which event the chairmanship should be decided by election from persons available to the Committee.
5. That Council receive a further report on the review of the Code of Conduct and Committee operation, following release by the Department of Local Government of a revised model code and guidelines, expected later in 2007.

FOR VOTE - Cr Hamilton, Cr Hawker, Cr Briggs, Cr Bailey, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys

AGAINST VOTE - Cr Mifsud, Cr Rose, Cr Stewart

ABSENT. DID NOT VOTE - Cr Greig

Matter Arising

Councillor Rose requested that staff formulate a motion to go to the 2007 Local Government Conference requesting that the Department of Local Government review the Code of Conduct Committee.

Councillor Greig here returned to the Chamber.

11.10 Shell Cove Stage 9A Road Naming DA 691/2004 (8727830)

222 RESOLVED: Rose/Briggs

That the following road name be adopted for the public road to be created in the Stage 9A estate at Shell Cove:

Clipper Avenue

CARRIED UNANIMOUSLY

Matter Arising

That General Manager investigate Council's policy and report back to Council as to whether it would be of benefit to request developers of large subdivisions to submit a list of possible names to Council to approve in total or as a theme, for the developer to choose from when doing stage subdivisions, rather than requesting approval at each stage.

11.11 Renewal of lease agreement with the Department of Education & Training (8727867)

223 RESOLVED: Rose/Hore

1. That Council resolve to renew the lease agreement with the Department of Education and Training for occupation of part Lot 2 DP 833735 (Warilla Council Chambers) for a period of 2 years with a 2 year option at a rental of \$76,665.00, per annum plus GST, on terms and conditions to be negotiated.
2. That the Seal of Council be affixed to the lease agreement with the Department of Education and Training for occupation of part Lot 2 DP 833735 (Warilla Council Chambers).

CARRIED UNANIMOUSLY

12. Community Planning & Strategies Division

Nil

13. Shell Cove Business Division

13.1 Shell Cove Quarterly Report to 13 May 2007 (8714727)

224 RESOLVED: Rose/Mifsud

1. That this report be received and noted.
2. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of Lot 103 DP 1105548 and proposed lot 6044 (from the subdivision of Lots 104 and 108 DP 1105548) and on the Transfers for proposed lots 6101 to 6116 (Stage 6B-1).
3. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of Lot 102 DP 1105548 and on the Transfers for proposed lots 6201 to 6211 (Stage 6B-2).
4. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of proposed lot 6100 (from the subdivision of Lot 103 DP 1105548 and proposed lot 6044, ie, the subdivision for Stage 6B-1 above) and on the Transfers for proposed lots 6301 to 6312 (Stage 6C-1).

CARRIED UNANIMOUSLY

14. Committee Recommendations

14.1 Recommendations from the Shellharbour Traffic Committee Meeting held 2 May 2007 recommended for adoption.

Councillor Jeffreys referred to Item 3.2 and requested staff be mindful in the future of using appropriate language when writing about persons with disabilities as Item 3.2 referred to "special needs students" and should read "students with special needs".

225 RESOLVED: Greig/Gillett.

That the Recommendations to Council from the Traffic Committee Meeting held 1 May 2007 be adopted with the exception of Item 4.2 which was dealt with earlier in the agenda (Minute No. 213).

CARRIED UNANIMOUSLY

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

17.1 Traffic Facility Projects - 06/07 Capital Works Program (8723755)

17.2 Suburb Boundary Change between Yellow Rock and Tullimbar (8725658)

17.3 Reconciliation Week and the Commemoration of the 40th Anniversary of the 1967 Referendum (8731080)

17.4 Investments (8731708)

226 RESOLVED: Hawker/Bird

That Council receive and note the items for information.

CARRIED UNANIMOUSLY

18. Questions without Notice

- 227 Councillor Stewart** referred to the letter to the Editor in the Illawarra Mercury on Saturday, 19 May 2007 and asked the Mayor if had written the letter.

The Mayor responded that he had dictated the letter with the Media & Communication staff. Councillor Stewart indicated that she was asking this question as the letter referred to the date of the Council Meeting as 5 May 2007 and this is a Saturday. The Mayor acknowledged that the date shown in the letter to the Editor was incorrect. Councillor Stewart also noted that the Letter to the Editor referred to the leaking of the Department of Local Government report and asked the Mayor how many hours it was before the report was leaked. The Mayor replied it was leaked shortly after the meeting.

- 228 Councillor Hore** indicated that he had witnessed at Mt Warrigal Public School, in Roycroft Avenue, children and their parents having to walk on the road in inclement weather due to excess water and requested that a footpath be installed.

- 229 Councillor Hore**, as a matter arising from the Traffic Committee, requested that a letter be forwarded to the residents who have been affected by the load limit in Swamp Road to advise that this limit applies to through traffic only.

- 230 Councillor Hore** commented that it was good to see The Links Golf Course mentioned in the Golfers Digest and noted that it was voted amongst the best 50 courses in Australia for a round of golf for \$50 and under.

- 231 Councillor Bird** requested that rumble bars be installed in Daphne Street, Barrack Heights, near Warilla High School, to try and encourage drivers to stay on the correct side of the road especially in the school zone area.

- 232 Councillor Rose** requested that a pedestrian crossing be installed urgently at Warilla High School and indicated that he has mentioned this previously.

- 233 Councillor Rose** read out a petition he has received from residents in Shell Cove regarding traffic on Southern Cross Boulevard.

The Mayor indicated that the petition should be registered with Council and passed on to the Traffic Committee.

- 234 Councillor Rose** indicated he was fortunate enough to meet Lady Joan Cutler at the Cities Service Boston Commemoration on Sunday and she indicated to him that the signage along Shellharbour Road, coming from the south, to access Bass Point was confusing and asked that it be investigated as Lady Cutler indicated that she had followed the signs and ended up in the Shellharbour Cemetery Car Park.

- 235 Councillor Mifsud** thanked the Director of Operations & Services for his quick response in relation to the vandalised tree in Shellharbour.

SHELLHARBOUR CITY COUNCIL

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236 Councillor Mifsud requested that more signage be placed in Shell Cove that dogs should be leashed at all times.

237 Councillor Bailey requested action be taken in relation to the youths riding their motorbikes in the area adjacent to Grove Circuit. Residents have made complaints and they have been requested to contact police.

238 Councillor Bailey advised that he brought to the attention of Council several months ago the need for a footpath at Mt Warrigal Primary School and was advised that due to funding constraints this could not be done and instead stop signs and rumble bars were installed in Morgan Avenue.

239 Councillor Hawker asked the Director of Operations & Services the time period before the streetscape work is commenced in Albion Park.

The Director of Operations & Services advised that as he had now received confirmation of the Ward Councillors' preferred option, being option 1, work would likely commence in the New Year.

240 Councillor Hawker asked how the power box in LR Mood Park can be accessed.

The Director of Operations & Services responded that this would need to be arranged through Colin Watt.

241 Councillor Greig asked if there was an additional workload for Council now the new penalties have been introduced around school zones and will more rangers be required.

The Director of Operations & Services advised that Council Rangers are constantly monitoring the school zones for parking breaches and will continue to do this. To employ additional rangers would be a budget issue for Council to consider.

242 Councillor Greig advised that weeds are a big concern in Shellharbour City to herself and residents who have contacted her and believes this should be looked at if we want to encourage tourists to the area.

The Director of Operations & Services responded that the level of service currently being provided is based on Council's funding allocation for maintenance. An improved service could be provided if additional funds were allocated for this purpose in the next budget.

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

Meeting closed 10.20 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 12 June 2007

General Manager

Chairperson