

SHELLHARBOUR CITY COUNCIL

Extraordinary Council Meeting - Tuesday 26 June 2007

**Minutes of the Extraordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 26 June 2007 commencing at 5.10 pm**

Present

His Worship the Mayor	Councillor D Hamilton
A Ward	Councillor M Greig Councillor T Hawker
B Ward	Councillor H Stewart (present from 7.15pm) Councillor C Jeffreys
C Ward	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
Manager Financial Services	P Henderson
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
Executive Assistant	J Frasca

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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Apologies were tendered on behalf of Councillor Bailey and Councillor Stewart (part).

Committee of the Whole Council Meeting

An apology was tendered on behalf of Councillors Bailey and Stewart

282 RESOLVED: Briggs/Mifsud. That the apologies as tendered be accepted.

1a. Pecuniary Interest

Nil.

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.

CONFIDENTIAL ITEMS

2.1 Proposed Road Closure - Part Lamerton Crescent (8748491)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) and 10A(2)(d)(i) 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.

This item, if discussed in the Open Meeting of Council, would be contrary to the public interest because it is premature at this time. The appropriate time for its full release such that the commercial position of the person who supplied it is not prejudiced, would be when the development application is lodged by the person supplying the information.

283 RESOLVED: Rose/Briggs

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) and 10A(2)(d)(i) 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 5.12pm

Meeting resumed at 7.15pm

2a. Recommendations from Committee of the Whole

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

2.1 Proposed Road Closure - Part Lamerton Crescent (8748491)

That this report be received and noted.

284 RESOLVED: Briggs/Hore That the recommendation to Council from the Committee of the Whole meeting held earlier today be adopted.

3. General Manager's Office

3.1 2007-2010 Management Plan (8747699)

MOTION: Hawker/Briggs

1. That Council resolves to increase rates by 3.4% as determined by the Minister for Local Government.
2. That Council adopt:-
 - The Management Plan
 - The Strategic Plan
 - The Operational, Balance Sheet, Capital Works and Asset Maintenance/Replacement Budgets
 - The Revenue Policy
 - The Fees and Charges
 - The Statutory New Items totalling \$232,000
 - The Essential "A" New Items totalling \$359,375
 - The Donations Working Party allocation be increased by \$8,500 (total \$20,000)
 - The Southern Stars contribution be increased by \$2,000 (total \$10,000)
 - A one off allocation of \$5,000 towards the 40th Anniversary of the 1967 Referendum
 - A one off allocation of \$5,000 towards the 50th Anniversary of NAIDOC
 - A \$50,000 allocation towards Council's 150th Anniversary

as set on 15 May 2007, plus the following changes:

- The amendments to the Capital Works and Asset Maintenance/Replacement programs as detailed later in this report.
- The amendments to the Fees and Charges document as detailed later in this report.
- Additional rating income of \$125,398 associated with - adopting the maximum ratepegging percentage (3.4%) as set by the Minister and additional land values received from the Valuer General, which have been added to Council's rate base.
- The National Poetry Week Grant (\$1,500), as reported to Council on 17 April 2007.
- The Warilla Out of Hours Youth Project grant (\$70,000), as reported to Council on 12 June 2007.
- Councillor fees to increase by 4% to \$14,540 per annum from 1 July 2007, as recommended by the Local Government Remuneration Tribunal.
- The Mayoral fee to increase by 4% to \$31,740 per annum from 1 July 2007, as recommended by the Local Government Remuneration Tribunal.
- A recurrent financial assistance allocation for \$2,600 be provided to the Illawarra Pipe Band.

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This will result in an overall unrestricted cash deficit of \$74,251.

3. That the works (\$54,000 - \$9,000 per ward) and sportsfield (\$90,000 - \$15,000 per ward) ward funds be allocated by a ward basis in this budget.
4. That an ordinary rate, consisting of an Ad-Valorem Rate of zero point three two eight five eight cents in the dollar (0.32858) and a Base Amount of two hundred and twenty seven dollars and forty cents (\$227.40) per assessment in accordance with section 537 of the *Local Government Act 1993* on all rateable land in the City of Shellharbour categorised as "RESIDENTIAL" in accordance with Section 516 of the *Local Government Act 1993* be now made for the period 1 July 2007 to 30 June 2008 and in accordance with section 543(1) of the *Local Government Act 1993*, this rate be named "RESIDENTIAL".

Further that the percentage of the base amount, pursuant to Section 500 of the *Local Government Act 1993* is twenty five percent (25%) of the total amount payable by the levying of the rate.

5. That an ordinary rate, consisting of an Ad-Valorem Rate of zero point two six six four zero cents in the dollar (0.26640) per assessment on all rateable land in the City of Shellharbour categorised as "FARMLAND" in accordance with Section 515 of the *Local Government Act 1993* be now made for the period 1 July 2007 to 30 June 2008 and in accordance with section 543(1) of the *Local Government Act*, this rate be named "FARMLAND".
6. That an ordinary rate, consisting of an Ad-Valorem Rate of zero point two five nine nine three cents in the dollar (0.25993) per assessment on all rateable land in the City of Shellharbour categorised as "BUSINESS" in accordance with Section 518 of the *Local Government Act 1993* except all rateable land in the City of Shellharbour determined to be in the business sub-category "GENERAL" be now made for the period 1 July 2007 to 30 June 2008 and in accordance with section 543(1) of the *Local Government Act 1993*, this rate be named "NON-URBAN".
7. That an ordinary rate, consisting of an Ad-Valorem Rate of zero point six nine six eight five cents in the dollar (0.69685) per assessment on all rateable land in the City of Shellharbour used or zoned for professional/commercial trade or industrial purposes and determined to be a centre of activity and categorised as "BUSINESS" in accordance with Section 518, sub category "GENERAL" in accordance with section 529(1) of the *Local Government Act 1993* be now made for the period 1 July 2007 to 30 June 2008 and in accordance with section 543(1) of the *Local Government Act 1993*, this rate be named "BUSINESS GENERAL".
8. That a Domestic Waste Service Charge and a Business Waste Service Charge of:
 - i) \$205.00 per annum per 240 litre bin per fortnightly service;
 - ii) \$300.00 per annum per 240 litre bin per weekly service;
 - iii) \$160.00 per annum per 120 litre bin per fortnightly service;
 - iv) \$235.00 per annum per 120 litre bin per weekly service, and;
 - v) \$55.00 per available service (vacant land)

be now made for the period 1 July 2007 to 30 June 2008 in accordance with Section 496 of the *Local Government Act 1993*.

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9. That a high-density bulk recycling (weekly) service charge of one hundred and seven dollars and fifty cents (\$107.50) per bin per annum be now made in accordance with section 501 of the *Local Government Act 1993*.
10. That a high-density bulk recycling (fortnightly) service charge of fifty four dollars (\$54.00) per bin per annum be now made in accordance with section 501 of the *Local Government Act 1993*.
11. That a high-density bulk waste (weekly) service charge of one hundred and seventy dollars (\$170.00) per bin per annum be now made in accordance with section 501 of the *Local Government Act 1993*.
12. That a Stormwater Management Service Charge of:
 - i) \$25 per residential assessment per annum
 - ii) \$12.50 per residential strata unit per annum
 - iii) \$25 per 350m² (or part thereof) per business assessment per annum capped at a maximum charge of \$150
 - iv) Business Strata Lots – pro rata per unit of business calculation per annum be now made for the period 1 July 2007 to 30 June 2008 in accordance with section 496A of the *Local Government Act 1993*.

That the income and expenditure related to this charge be shown as separate items in the operational and capital works budgets.

13. That a rate of ten percent per annum (10% p.a.) accruing daily on rates and charges that remain unpaid after they become due and payable be now set for the period 1 July 2007 to 30 June 2008 in accordance with Section 566 of the *Local Government Act 1993*.
14. That the amount of new loan borrowing application be \$1,000,000 with \$1,000,000 to be borrowed if required from recognised banking institutions secured by a mortgage over Council's consolidated fund income.
15. That Council adopt the projects to be carried over as detailed in the report and listed on Attachment 1 totalling \$4,793,249.
16. That the public submissions made, be received taken into consideration and noted.
17. Illawarra Pipe Band \$2,600.00.

Councillor Rose FORESHADOWED a MOTION that Council seriously consider introducing the 50% base rate and further consideration be given to waste services and the stormwater levy.

In reply to comments by Councillor Rose, the General Manager undertook to provide details of works in kind with respect to the Lake Illawarra Authority in future financial reports.

In reply to a question from Councillor Briggs (referring to comments made in Public Participation), the Director of Operations & Services undertook to provide comparative information of waste services at Wollongong City Council to all Councillors in due course.

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285 The MOTION on the being PUT to the meeting was CARRIED.

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

Councillors Mifsud asked whether he could bring forward matters arising out of the adoption of the Management Plan.

The Mayor stated that the Management Plan had already been debated and decided upon, however he allowed Councillor Mifsud to raise one item as business arising to enable him to consider whether to accept it.

Councillor Mifsud referred to page 28 of the business paper, item number 19 and stated that he had asked the General Manager some months ago to reconsider the driving range at Shellharbour Links Golf Course and still had not received advice as to what was happening.

The Mayor asked the General Manager to reply, if he wished.

The General Manager advised that this is one of several projects that he is considering at the present time. He has had several meetings with staff and they are currently investigating several options. He assured Council that no money would be spent from that item in the new budget until it is reported back to Council. At this stage a number of high level meetings have been held to discuss and investigate several options as well as taking into the consideration the rights of the Lessee and Australand.

Councillor Mifsud endeavoured to bring forward a further matter arising regarding pensioner rebates and the impact of rates on pensioners.

The Mayor once again stated that this matter had already been debated and decided upon and that he would not allow Councillor Mifsud's request to introduce this item as a matter arising.

Meeting closed 7.45 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 3 July 2007

General Manager

Chairperson