

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 16 October 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
Acting Director of Community Planning & Strategies	B Rose
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 Corporate Planning	P Masterson
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	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

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 25 September 2007

508 RESOLVED: Briggs/Gillett That the Minutes of the Ordinary Council Meeting held on 25 September 2007 be confirmed as a correct record of proceedings.

Business Arising from Minutes

Councillor Rose referred to page 9 of the Minutes - Community response to waste disposal proposals - and requested that Council officers provide answers to the following:

1. Is this optional?
2. What about people living in units, are they provided with the same service?

Councillor Briggs also requested a response to the following:

1. Will those people who don't need to have the service still be charged?

The General Manager advised that he would refer this to the Group Manager Environmental Services for him to respond to all Councillors.

4.2 Committee of the Whole 25 September 2007

509 RESOLVED: Briggs/Hore That the Minutes of the Committee of the Whole Council Meeting held on 25 September 2007 be confirmed as a correct record of proceedings.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 16 October 2007

Business Arising from Minutes

Councillor Mifsud questioned why he had received two copies of the confidential minutes of the 25 September 2007.

The General Manager advised that Councillors had previously requested a copy of the minutes as soon as they were produced and a further copy with the next business paper. He advised that he would report back to Council on the distribution of minutes.

4.3 Extraordinary Meeting 25 September 2007

510 RESOLVED: Hawker /Rose That the Minutes of the Extraordinary Council Meeting held on 25 September 2007 be confirmed as a correct record of proceedings.

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 Briggs: Item 11.7 Community Land Plan of Management - Lot 1 DP 211127 Junction Road, Shellharbour

Nature of Interest: Councillor Briggs declared a pecuniary interest, as he is a life member of Shellharbour Surf Club.

Councillor Bailey Item 11.7 Community Land Plan of Management - Lot 1 DP 211127 Junction Road, Shellharbour

Nature of Interest: Councillor Bailey declared a non-pecuniary interest as he lives in close proximity to the land.

Councillor Gillett: Item 11.8 Mobile Telecommunications Facilities - Commercial Agreements

Nature of Interest: Councillor Gillett declared a non-pecuniary interest as she lives near the location.

Councillor Briggs: Item 11.8 Mobile Telecommunications Facilities - Commercial Agreements

Nature of Interest: Councillor Briggs declared a pecuniary interest as he lives closely in relation to Urana Way/Wattle Road.

Councillor Bird: Item 12.1 Southern Council Group Minutes.

Nature of Interest: Councillor Bird declared a non-pecuniary as he is a member of the Killalea State Park Trust.

6. Condolences

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

Mr Frederick Owen Porter	formerly of	Albion Park
Mrs Edith McConnell	of	Albion Park Rail
Mrs Nola (nee McMahan) Murphy	of	Albion Park Rail
Mrs Janelle (Jan) Clough	of	Albion Park Rail
Mrs Doris Baldwin	of	Albion Park Rail
Mrs Lillian (Jill) Ellis	of	Albion Park Rail
Mr Ron Haynes	of	Barrack Heights
Mr John (JB) Bradley	of	Blackbutt
Mr John Joseph Smith	of	Calderwood
Mr Arnold Joseph Herringe	of	Mt Warrigal
Mr Shane Lloyd (Feeler) McNeilly	of	Shellharbour
Mr Alan Woodey	of	Shellharbour
Mrs Sarah Lewis	of	Warilla
Mr Robin (Rob) Houghton	of	Warilla
Mrs Margareta Maria Pillion	of	Warilla

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

7. Presentations

The General Manager presented the trophy awarded by Statewide, our provider of insurance products, for the 2007 Statewide Risk Management Excellence Award for our new policy document: "Management of BMX tracks - A Local Government Guideline."

Most LGAs have either formal or informal BMX tracks however, up until now, there has been no formal process of delivering and managing these assets nor the potential liabilities, which they present.

Council's Manager Risk Management Services, Simon Iliffe, formed a working party of officers from Shellharbour, Wollongong and Fairfield City Councils to develop the framework and processes contained in the document which details an easy to implement process with practical assistance at each of the steps. The process covers

- Concept and feasibility

- Stakeholder consultation
- Design
- Approvals
- Construction
- Commissioning and Handover
- Licencing
- Inspection
- Maintenance

BMX Australia was very supportive of the initiative and freely provide their assistance and input to the document while the entire exercise is a good example of councils working together to achieve outcomes that not only benefit other LGAs but the community and interest groups generally.

512 RESOLVED: Jeffreys/Bird That Council commend Simon Iliffe and his team on achieving the 2007 Statewide Risk Management Excellence Award.

8. Mayoral Minutes

Nil

9. Councillors' Reports

Nil

10. General Manager's Office

10.1 Annual Financial Reports (8798548)

Mr Warwick Shanks from KPMG addressed the meeting as per his report.

513 RESOLVED: Hawker/Hore

That the 2006/2007 Financial and Audit Reports be adopted.

CARRIED UNANIMOUSLY

11. Operations & Services Division

11.1 DA No. 342/2007 - Lot 63, DP 788843, 26 Conway Crescent, Blackbutt - Alterations and Additions to Existing Dwelling for Future Use as a Group Home (8797540)

514 RESOLVED: Bird/Jeffreys

1. That the Council seek concurrence of the NSW Department of Commerce to the imposition of 15 conditions following the conclusion, pursuant to the provisions of Section 116C of the *Environmental Planning & Assessment Act, 1979*, as amended.

2. That upon receipt of acceptance of the 15 conditions by the NSW Department of Commerce, that the Council grant delegated authority to the General Manager to determine Development Application No. 342/2007 for the proposed alterations and additions to the dwelling at Lot 63, DP 788843, 26 Conway Crescent, Blackbutt under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended.
3. That following consultation with the NSW Department of Commerce, should the General Manager consider any variation sought to the conditions is warranted, that delegation be granted to make those variations.

Matter Arising

Some Councillors expressed concerns regarding various issues relating to group homes.

515 RESOLVED: Briggs/Stewart That Council contact the Department of Aging Disability and Homecare and ask them to brief the Council regarding how these homes operate.

CARRIED UNANIMOUSLY

11.2 Funding for Roundabout Installation at the Intersection of Terry Street and Church Street, Albion Park (8797207)

516 RESOLVED: Hawker/Greig

1. That the Council adopt the recommended funding allocation as outlined in Table A of this report.
2. That the Council amend its budget in accordance with its adopted position.

CARRIED UNANIMOUSLY

11.3 Southern Rivers Catchment Management Authority Community Partnerships Fund - Grant Offer (8788525)

517 RESOLVED: Jeffreys/Bailey

1. That the Council resolve to accept the Community Partnerships grant totalling \$17,000 from SRCMA and amend the budget accordingly.
2. That the Council resolves to identify the matching funds of \$17,000 in the September quarter budget review.

CARRIED UNANIMOUSLY

11.4 Commonwealth and State Government Grant Offers Under the Natural Disaster Mitigation Program (8797860)

518 RESOLVED: Bird/Stewart

1. That the Council resolve to accept the NDMP Grant Funds totalling \$66,200 for the establishment of Bushfire Asset Protection Zones at Blackbutt Reserve with Council's contribution of \$33,100 allocated from the Bushfire Management Plan allocation in the current budget and to amend the budget accordingly.
2. That the Council resolve to accept the NDMP Grant Funds totalling \$34,866 for the upgrade of tracks and the establishment of Bushfire Asset Protection Zone at Croom Reserve with Council's contribution of \$17,434 allocated from the Bushfire Management Plan allocation in the current Budget and to amend the budget accordingly.
3. That the Council resolve to accept the NDMP Grant Funds totalling \$14,866 for the establishment of Bushfire Asset Protection Zones at Elizabeth Brownlee Reserve and Alex Hoffman Park with Council's contribution of \$7,434 allocated from the Bushfire Management Plan (\$466) and Routine Park Maintenance allocations (\$6,968) in the current budget and to amend the budget accordingly.
4. That the Council resolve to accept the NDMP Grant funds totalling \$40,000 for the Shellharbour Coastline Hazard Analysis with Council's contribution of \$20,000 allocated from the Planning Services Consultancy allocation in the current budget and to amend the budget accordingly.

CARRIED UNANIMOUSLY

11.5 Reserve Naming Proposal Albion Park - "John Shepherd Reserve" (8795958)

519 RESOLVED: Hawker/Greig

1. That Council name the Reserve (Lots 271 & 273, DP 863913) between Jamberoo Road and Ashburton Drive, Albion Park as "John Shepherd Reserve".
2. That Council fund appropriate signage on the reserve depicting the recommended name.
3. That a plaque be erected on the reserve explaining the naming.

CARRIED UNANIMOUSLY

11.6 Reserve Re-Naming Proposal Oak Flats - "Jack Wickham Reserve" (8796048)

520 RESOLVED: Briggs/Jeffreys

1. That Council re-name the reserve (Lots 1131 & 1132 in DP 236029, Lot 467 in DP 416932 and Lot 203 in DP 222963) between The Esplanade and Lake Entrance Road, Oak Flats as "Jack Wickham Reserve".
2. That Council fund appropriate signage charges on the Reserve to reflect the new name.
3. That a plaque be erected on the reserve explaining the naming.

CARRIED UNANIMOUSLY

Business Arising

Discussion took place regarding names of other reserves and it was suggested that Council officers investigate other named reserves with a view to providing an explanation of the names.

It was suggested that plaques explaining reserve names could be erected as part of Council's 150th Anniversary celebrations.

It was further suggested that consideration be given to naming any future reserves after the two local prominent Aboriginal elders who have recently passed away.

521 RESOLVED: Briggs/Jeffreys That Council officers investigate and report to Council in due course on the names of other reserves in the City with a view to erecting plaques explaining the names.

11.7 Community Land Plan of Management - Lot 1 DP 211127 Junction Road, Shellharbour (8797724)

Councillor Bailey and Councillor Briggs 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.

522 RESOLVED: Rose/Mifsud

That Council adopt the draft Plan of Management for Lot 1 DP 211127 Junction Road, Shellharbour.

CARRIED UNANIMOUSLY

Councillor Bailey here returned to the Chamber.

11.8 Mobile Telecommunications Facilities - Commercial Agreements (8798176)

Councillor Briggs and Councillor Gillett declared an interest in Item 11.8 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993. **Amended as per Minute No.558 of 13 November 2007.**

During debate the Mayor left the Chamber at 8.20pm and Councillor Michele Greig, Deputy Mayor took the Chair.

Mayor returned to the chamber at 8.23pm and resumed the Chair.

523 RESOLVED: Hawker/Hore

1. That Council enter into a licence agreement with Telstra for the installation of telecommunications devices on two existing sportsfield lightpoles, Ron Costello Oval, Lot 84, DP 12479, for a term of five (5) years annual rental of \$10,000.00 with 5% annual rental increases.
2. That Council enter into a licence agreement with Telstra for the installation of telecommunications devices on two existing street lightpoles, Urana Way/Wattle Road, Blackbutt, for a term of five (5) years annual rental of \$10,000.00 with 5% annual rental increases.
3. That Council enter into a licence agreement with Optus for the installation of telecommunications facilities on an existing sportsfield lightpole, Keith Hockey Oval, Pt Lot 8032, DP 1072187, Boolwarroo Parade, Shellharbour for a term of five (5) years, annual rental of \$10,000.00 with 5% annual rental increases.
4. That any income received be directed to asset maintenance.

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

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

Councillor Briggs and Councillor Gillett here returned to the Chamber.

12. Community Planning & Strategies Division

12.1 Southern Councils Group Minutes - 7th September 2007 (8797881)

Councillor Bird declared an interest in Item 12.1 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

524 RESOLVED: Leedham/Hore

1. That Council receive and note the Minutes of the 7th September 2007 Ordinary Meeting of Southern Councils Group, as attached to this report.

CARRIED UNANIMOUSLY

Councillor Bird here returned to the Chamber.

12.2 Renewal of Alcohol-Free Zone at Warilla (8796193)

525 RESOLVED: Rose/Hore

That Council renew the following current alcohol-free zone, subject to any substantive objections received in response to an announcement of this proposal in the "Lake Times" and following a subsequent declaration of the establishment of the AFZ in the same publication, effective seven days after such declaration:

Warilla - The whole of George Street from Shellharbour Road to Osborne Parade; Beverley Avenue from George Street to Woodford Avenue; the car park to the west of Beverley Avenue; Hall Lane; Hicks Lane; Shacklock Lane; Susan Avenue; Joan Avenue from George Street to Woodford Avenue; Arcadia Street; Sparta Street; Terry Avenue; Brian Avenue; McKeon Lane; Shellharbour Road from Terry Avenue to Woodford Avenue.

CARRIED UNANIMOUSLY

13. Shell Cove Business Division

Nil

14. Committee Recommendations

14.1 Recommendations from the Aboriginal Advisory Committee Meeting held 2 October 2007 recommended for adoption.

526 RESOLVED: Bird/Jeffreys

That the Recommendations from the Aboriginal Advisory Committee Meeting held 2 October 2007 be adopted.

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

17.1 Lake Illawarra Authority Meeting (8798921)

527 RESOLVED: Leedham/Hore

That this matter be received and noted.

17.2 Request for information on Tulkeroo removal of Heritage Order (8795447)

17.3 Celebration of Ability 2007 (8796209)

17.4 Community Services Activities and Events (8799904)

17.5 Investments (8800094)

528 RESOLVED: Hawker/Greig

That Council receive and note the items for information 17.2 to 17.5.

Matter Arising

Discussion took place on Item 17.2 regarding the Tulkeroo removal of the Heritage Order.

529 RESOLVED: Hawker/Briggs That a report be provided to Council on the removal of the Heritage Listing on Tulkeroo.

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

AGAINST VOTE - Cr Rose

18. Questions without Notice

- 530 Councillor Stewart** asked the Director Operations & Services if it would be possible to plant a tree or erect a small plaque in memory of Mr Langley for his generosity in donating trees for planting in Central Avenue.
- 531 Councillor Stewart** asked if Council could investigate the way that junk mail is being delivered to residences as this is littering the streets. Are we able to identify the companies?
- 532 Councillor Stewart** thanked Council staff on an excellent job on the Dogs Day Out event. She commended Council Rangers and thanked Brenda Parker and Katrina Owers. Councillor Stewart asked whether she could prepare a report for the next Council meeting.

Amended as per Minute No.558 of 13 November 2007.

- 533 Councillor Jeffreys** asked when the retaining wall on Lake Entrance Road will be repaired as it has bits out of it and it needs to be more solid.
- 534 Councillor Jeffreys** stated that there is an alcohol free zone for Boonerah Point and Skiway Park, however she has noticed there is a lot of beer cans, bottles etc that are littering the streets in between the two reserves. She asked if Council officers could investigate the possibility of making the whole street an alcohol free zone.
- 535 Councillor Jeffreys** stated that Adults Central has relocated to the bulky goods area in Durgadin Drive Albion Park Rail and that this business was not a bulky goods business. She stated that there seemed to be a lack of consistency of the type of businesses operating in the business park and requested an update report.
- 536 Councillor Leedham** asked if Council could look at erecting entry and exit signs to the Beverley Avenue car park in Warilla.
- 537 Councillor Hore** suggested that Council display its collection of trophies in a cabinet at Lamerton House.
- 538 Councillor Hore** asked if Council could look at the sign warning "roundabout in operation" at the roundabout at Yallah as it is very small and difficult to read.
- 539 Councillor Bird** advised that in November there is a convoy event to raise money for Camp Quality and asked whether could consider putting together a Shellharbour team to participate in the event.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 16 October 2007

- 540 Councillor Gillett** stated that in the Blackbutt Reserve trees have been cut down. Is Council cutting these down for safety reasons or is it vandals?

The Director Operations & Services advised that there have been contractors in Blackbutt Reserve lopping trees near cycleways and in fire hazard zones. He also advised that he will follow this up with Council Rangers to investigate whether other trees have been cut down.

- 541 Councillor Rose** referred to a recent accident in Ashburton Drive where a vehicle crashed into an adjoining property and asked whether this is being investigated.

The Director Operations & Services advised that he inspected the site today and there will be a report going to the next Traffic Committee meeting.

- 542 Councillor Rose** referred to various traffic signs in Addison Street Shellharbour (Taxi Care sign and no standing signs where the arrow is pointing in the wrong direction) and requested that they be clarified.

- 543 Councillor Rose** asked the General Manager why a letter sent in to Council by Mrs Channel requesting a copy be sent to all Councillors was received one month late. Was there a reason for this?

The General Manager replied that the letter had "cc: Councillors" on the bottom of it and it was interpreted by his office as a copy had already been sent by Mrs Channel to all Councillors. It must state "please pass on to all Councillors".

- 544 Councillor Mifsud** asked if Council could revisit the possibility of constructing a pedestrian crossing near the shop in Shell Cove.

- 545 Councillor Mifsud** asked Council to look into installing toilets in Addison Street as a matter of urgency.

- 546 Councillor Bailey** asked the General Manager to provide an update on the criteria to nominate someone in the "Hall of Fame".

- 547 Councillor Briggs** asked when the shade sails at Lamerton House and security gating was going to be erected as funds had previously been allocated for them.

- 548 Councillor Briggs** asked what would be the normal time frame for an answer to be given on a request for works to be done.

The General Manager responded that he would follow this up with the Councillor Liaison Officer.

- 549 Councillor Briggs** asked if Council could review the rezoning in Industrial Park at Albion Park Rail /Oak Flats as there seemed to be a lot of empty warehouses and provide a response to all Councillors.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 16 October 2007

- 550 Councillor Hawker** asked if the no standing signs (2.30-4.00pm) near the Albion Park School on Tongarra Road applied during school holidays and if they did could consideration be given to this being removed during school holidays.
- 551 Councillor Hawker** asked if Council could look at displaying trophies at libraries also.
- 552 Councillor Greig** referred to signs that are erected on Council properties during the Christmas and holiday period advertising various events and products and requested Council officers follow up on their removal as soon as the event is over.
- 553 Councillor Greig** asked could Council representatives on Ministerial committees report to Council every 6 months.
- 554 Councillor Greig** requested advice as to whether we have enough burial grounds in Shellharbour City and what are our plans for the future.
- 555 Councillor Greig** asked the General Manager what his time line was for responding to correspondence addressed to him. The General Manager replied that it depended on the complexity of the issue. Councillor Greig asked if the General Manager could acknowledge receipt of all correspondence.
- 19. Confirmation of the Minutes of the Committee of the Whole Council Meeting (in Confidential Session).**
- 20. Recommendations from the Committee of the Whole Council Meeting (in Confidential Session)**
- 21. Late Items of Business / Urgent Business (as introduced by the Chairperson)**

Meeting closed 9.05 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 13 November 2007.

General Manager

Chairperson