

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 18 March 2008 commencing at 7.15 pm**

Present

His Worship the Mayor	Councillor D Hamilton
A Ward	Councillor M Greig
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
Group Manager Planning Services	G Hoynes
Corporate Solicitor – Manager Legal & Property Services	B McCann
Manager Development Services	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	N East
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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An apology was tendered on behalf of Councillor Hawker

44 RESOLVED: Briggs/Greig. That the apologies as tendered be accepted.

2. Confidential Business (Committee of the Whole)

Nil

3. Recommendations from Committee of the Whole

Nil

4. Confirmation of Minutes

4.1 Ordinary Meeting 26 February 2008

Councillor Greig requested that the Confirmation of Minutes for the Committee of the Whole be moved to before consideration of the Confirmation of Minutes for the Ordinary Meeting.

The General Manager informed Councillor Greig that if she wished to change this permanently she would need to move a policy motion. He suggested that Council adhere to the Code of Meeting Practice and published agenda.

45 RESOLVED: Greig/Rose

That the Confirmation of Minutes for the Committee of the Whole be moved and listed on the agenda before the Confirmation of Minutes for the Ordinary Meeting for future meetings.

CARRIED UNANIMOUSLY

Councillor Mifsud requested an alteration to his Question without Notice at Minute No. 38. He stated that he did not say "if it would be possible for members of the gallery to keep their phones turned on in case of an emergency" but did say that it was important for a phone line to be kept open if Councillors need to be contacted in case of an emergency.

Councillor Leedham stated that he cannot see it noted in Item 12.2 that Councillor Bird had left the Chamber. The General Manager stated that his notes do show that Councillor Bird sought

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leave and left but this was not recorded in the official minutes as he returned before the vote was taken.

Councillor Rose queried the meeting adjournment and meeting resumed times and asked that once the half hour had lapsed why the Councillors who remained in the chamber were not informed there was going to be a delay. Councillor Rose also stated that they were not given an apology, although the Mayor later apologised. Councillor Rose believed that the meeting should not have started as the half hour had lapsed and for that reason he did not know if he could vote on these minutes as he considered Council had not followed the rules.

The General Manager clarified that the meeting had started at approx 5.20 pm and was adjourned at 5.40, and therefore when the meeting resumed at 7.53 pm it was a recommencement of that meeting. Councillor Rose disagreed and stated that the business paper indicates that the commencement of a Council Meeting is 7.15 pm.

The Mayor stated that he could see Councillor Rose's point, and that tonight was an example where there was no Committee of the Whole and the Council Meeting commenced at 7.15 pm.

Councillor Stewart stated that she was confused and believed the Committee of the Whole and the Open Council Meeting were two separate meetings, and when you look at the minutes it does state the Council Meeting starts at 7.15 pm.

The General Manager clarified this and indicated that, under Council's policy, there were two starting times - if there is no confidential business the starting time is 7.15 pm, but if there is confidential business the starting time is immediately following public participation.

The Mayor stated that he would take that question on notice and it will be reported back to the next Council Meeting as to the proper procedure.

46 RESOLVED: Briggs/Leedham That the Minutes of the Ordinary Council Meeting held on 26 February 2008 be confirmed as a correct record of proceedings subject to the alteration to Min No 38 as outlined by Cr Mifsud.

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

4.2 Committee of the Whole 26 February 2008

47 RESOLVED: Briggs/Bailey That the Minutes of the Committee of the Whole Council Meeting held on 26 February 2008 be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

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 11.9 Requests for Donations

Nature of Interest: Councillor Briggs is a life member of Shellharbour Surf Lifesaving Club.

6. Condolences

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

Mr Derek Readman	Of	Albion Park
Mrs Ina Lillian (Betty) Keevers	Formerly of	Albion Park Rail
Mrs Johanna (De Vries) Haverkamp	Of	Albion Park Rail
Mr Noel Hogenkamp	Of	Barrack Heights
Mrs Shirley Woods	Of	Barrack Heights
Mr John Thomson	Of	Barrack Heights
Mrs Janie (Jean) Prosser	Of	Barrack Heights
Mrs Phyllis Chamberlain	Formerly of	Barrack Point
Mrs Dosta Bozinovska	Of	Blackbutt
Mr John Jeffrey	Of	Mt Warrigal
Mr Thomas Roberts Brown	Of	Oak Flats
Mr Robert James Wilson	Formerly of	Oak Flats
Mrs Sharyn Patricia (nee Willcox) Bruce	Formerly of	Warilla
Mrs Patricia (Gifford) Trotter	of	Warilla
Mr John David Burgess	of	Warilla
Mrs Heather Esther Quinlan	Of	Warilla

48 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 Governance Training Package for Councillors and Staff (8879123)

Councillor Rose queried whether he had a pecuniary interest.

The General Manager stated that it was Councillor Rose's decision but he was of the opinion that Councillor Rose did not have a pecuniary interest as this report related to the issue of Councillor governance training as recommended in the Promoting Better Practice Report and was not an item directly relating to the current matter in the Land & Environment Court.

MOTION: Greig/Leedham

That Council obtain a further two quotes from other providers and that all three quotes come back to the next Council Meeting for consideration.

Councillor Rose FORESHADOWED a MOTION that this item be deferred until after the elections.

49 The MOTION on being PUT to the Meeting was CARRIED 9/3

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

Councillor Greig asked if a reason needs to be given when abstaining from voting, to which the Mayor replied "No".

10.2 Advice from Department of Local Government - Expulsion of Members of the Public from Council Meeting (8881444) LATE REPORT

The Mayor referred to the correspondence from the Dept of Local Government and stated that in future Council must follow these guidelines and must not resolve to exclude members of the public from any future meeting. The Mayor stated that this did not mean that any person who showed contempt for decisions of Council could not be expelled from a meeting and he asked everyone to show decorum.

Councillor Rose referred to a newspaper article and stated that he took offence at the General Manager making comments to the media on behalf of Councillors. The General Manager informed Councillor Rose that he has delegated authority to speak to the media on behalf of the Council, and was not speaking on behalf of individual Councillors.

Councillor Bird stated that he was happy with the General Manager's comments to the media.

Councillor Rose MOVED a POINT of ORDER in relation to this comment and made a comment about Councillor Bird. The Mayor disregarded this POINT of ORDER and told Councillor Bird to continue.

Councillor Bird stated that he believes the public gallery could learn from a group of Aboriginal people who had an interest in an issue and who had attended Council previously to speak at Public Participation and who had acted with dignity and decorum.

Councillor Mifsud MOVED a POINT of ORDER that we should show some respect to everyone in the public gallery.

50 RESOLVED: Bird/Gillett

1. That correspondence from the Department of Local Government be received and noted.
2. That the General Manager's response be received and noted.
3. That Council make representations to the Local Government & Shires Association to review the situation with a view to an appropriate Motion being submitted to the next Local Government Conference.

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

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

11. Operations & Services Division

11.1 DA No. 566/2007 - Lot 201, DP 834018, 16B Wollongong Street, Shellharbour - Demolition of Existing Structures, Construction of Infill (Dual Occupancy) Development & Strata Subdivision (8874041)

MOTION: Greig/Jeffreys

That this item be deferred to enable any interested Councillors to talk to the applicant and Council Officers seeking a satisfactory resolution of the setback issue.

Councillor Bailey FORESHADOWED a MOTION

That the Council refuse Development Application No. 566/2007 to demolish existing structures and construct an infill (attached dual occupancy) and strata subdivision development at Lot 201, DP 834018, 16B Wollongong Street, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, for the following reasons:

1. The development proposes a setback out of keeping with the character of the locality.
2. The development proposes a setback that will result in a visually prominent development that will impact on the appearance of the coastal foreshore reserve thereby affecting the amenity of residents and the broader community.
3. The development is against the broader public interest for the reasons outlined above.

51 The MOTION on being PUT to the Meeting was CARRIED 7/5

FOR VOTE - Cr Hamilton, Cr Greig, Cr Briggs, Cr Rose, Cr Hore, Cr Leedham, Cr Jeffreys

AGAINST VOTE - Cr Bailey, Cr Mifsud, Cr Gillett, Cr Bird, Cr Stewart

11.2 DA No. 33/2008 - Lot 200, DP 1111193, Airport Road, Albion Park Rail - Administration & Resting Facilities for Emergency Helicopter Services (8877168)

52 RESOLVED: Briggs/Jeffreys

That the Council Approve Development Application No. 33/2008 for a temporary demountable building utilised for administration and resting facilities for emergency helicopter services at Lot 200, DP 1111193, Airport Road, Albion Park Rail under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 37 conditions following the conclusion of this report and the following three additional conditions:

Bushfire Protection

1. An Inner Protection Area (IPA) must be maintained, for the life of the development, around the perimeter of the building for a distance of 20 metres in accordance with *Planning for Bush Fire Protection 2006* and the Rural Fire Service document '*Standards for asset protection zones*'.
2. Construction shall comply with the requirements of Australian Standard AS3959 - 1999 'Construction of buildings in bushfire-prone areas' Level 1.
3. Recommendations (other than those modified by the above 2 conditions) contained in the Bushfire Protection Assessment prepared by BES dated February 2008 shall be complied with.

CARRIED UNANIMOUSLY

11.3 Agreement for the Transfer of Waste to Huntley Heritage Builder's Tip (8878845)

53 RESOLVED: Leedham/Jeffreys

1. That the Council resolve to not seek tenders for the disposal of inert waste because of the lack of alternative inert landfill facilities to meet Council's demands.
2. Enter into an agreement with Huntley Heritage for the disposal of inert waste at their waste management facility.

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

11.4 Replacement of Council Truck (8877576)

54 RESOLVED: Briggs/Hore

That Council purchase a new 6 x 4 tip truck to replace an existing vehicle and that funds be provided from the sale of surplus equipment and available funds from restricted sand mine profits. Further, that the budget be amended accordingly.

CARRIED UNANIMOUSLY

11.5 Affix of Seal to Surrender of Lease (8875181)

55 RESOLVED: Briggs/Bailey

That Council resolve to affix the Seal of Council to the Surrender of Lease for the drainage reserve between No. 7 and No. 9 Brian Avenue, Warilla.

CARRIED UNANIMOUSLY

11.6 Licence Agreement for Installation of Illuminated Street Signs (8876734)

56 RESOLVED: Jeffreys/Bailey

1. That Council enter into a new licence agreement with Claude Group Pty Ltd for existing and any proposed illuminated street signs on road reserves in the City for a period of five (5) years with an annual licence fee per sign of \$300.00 subject to annual CPI + GST.
2. That the Mayor and General Manager be authorised to affix the Seal of Council and sign any documentation associated with the licence agreement.

CARRIED UNANIMOUSLY

11.7 Proposed Permanent Closure of Laneway - Parklands Drive, Shellharbour (8878129)

57 RESOLVED: Briggs/Hore

That this item be deferred for further investigation by the General Manager.

CARRIED UNANIMOUSLY

11.8 Lease to CHC Helicopters Australia Airport Road, Albion Park Rail (8878228)

58 RESOLVED: Bird/Hore

1. That Council enter into a lease arrangement with CHC Helicopters Australia (Canadian Helicopter Company) for a term of two (2) years and one (1) year option at an annual rental of \$5,200 plus GST subject to annual CPI.
2. That CHC Helicopters Australia be responsible for the provision of all site servicing and development/servicing costs associated with the leased land.
3. That the General Manager and Mayor be authorised to affix the Seal of Council and sign any documentation in relation to the lease arrangements.

CARRIED UNANIMOUSLY

11.9 Requests for Donation (8876935)

Note: Councillor Briggs declared an interest in Item 11.9 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

Councillor Stewart asked, in relation to an invoice that the Animal Welfare League handed to a Ranger, why this request had not been considered.

The Director of Operations & Services indicated he would take that question on notice. The Mayor advised that they should be informed that they need to follow proper procedures.

59 RESOLVED: Bailey/Jeffreys

That Council resolve to donate the following contributions totalling \$5,700.00:

1. St Vincent De Paul – Shellharbour/Warilla Conference
2. Shellharbour City Marching Association Inc.
3. Illawarra Type 1 Diabetes Support Group
4. Warilla Occasional Childcare Centre
5. Alunga Child Care Centre
6. Shellharbour Surf Lifesaving Club Inc.
7. Albion Park Disability Tenpin Bowling Committee
8. Katie Richardson – Miss World NSW Ronald McDonald House

CARRIED UNANIMOUSLY

11.10 Community Land Plan of Management - Lot 2 DP 543320 Rowland Avenue, Mount Warrigal (8879153)

Councillor Briggs here returned to the Chamber.

60 RESOLVED: Briggs/Bailey

1. That in accordance with the *Local Government Act 1993*, (s38), the draft Plan of Management for Community Land described as Lot 2 DP 543320 Rowland Avenue, Mount Warrigal be placed on public exhibition for a period of not less than 28 days, but allowing a period of not less than 42 days after the date on which the draft plan is first placed on public exhibition, during which submissions may be made to the Council.
2. That following the public exhibition and submission stage, a further report be presented to Council for consideration of any submissions and the adoption or otherwise of the draft Plan of Management for Community Land for Lot 2 DP 543320 Rowland Avenue, Mount Warrigal.
3. After community consultation this be subject to a briefing of all Councillors by Council Officers.

CARRIED UNANIMOUSLY

12. Community Planning & Strategies Division

Nil

13. Shell Cove Business Division

Nil

14. Committee Recommendations

14.1 Recommendations from the Traffic Committee Meeting held 5 March 2008 recommended for adoption.

Discussion took place as to what constituted a quorum and it was noted that the Minutes from the Traffic Committee Meeting did not state there was no quorum.

Councillor Hore stated his concerns in relation to Item 4.2 in the business paper that referred to the installation of signs at the Illawarra Regional Airport and that there was no signage directing drivers to Shellharbour City.

The Group Manager of Development & Technical Services advised that he would put this request to the Roads & Traffic Authority.

61 RESOLVED: Rose/Greig

That the Recommendations from the Traffic Committee Meeting held 5 March 2008 be adopted.

CARRIED UNANIMOUSLY

14.2 Discussion Notes from the Disabilities Services Advisory Committee Meeting held 20 February 2008 recommended for adoption.

There was some discussion as to why this committee was failing to get a quorum and the Mayor stated that the General Manager will make enquiries and report back to Council if necessary.

62 RESOLVED: Briggs/Greig

That the Recommendations from the Disabilities Services Advisory Committee Meeting (held without quorum) 20 February 2008 be received and noted.

CARRIED UNANIMOUSLY

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

17.1 Invitations to speak at overseas conferences (8879142)

It was initially MOVED by Councillor Greig and seconded by Councillor Leedham that Council receive and note Items 17.1 – 17.6 for information.

Councillor Mifsud began speaking in debate and Councillor Leedham MOVED a POINT of ORDER in relation to Councillor Mifsud's comments about not being able to speak on the items as both himself and Councillor Greig were entitled to speak before him as seconder and mover respectively.

Councillor Greig MOVED that with respect to Item 17.1, that Mr Woodcock's full costs be met from the Shell Cove Project.

Councillor Rose MOVED a POINT of ORDER in response to Councillor Greig's motion when she had already moved a motion that the items be received.

Councillor Greig stated that she wished to withdraw her original motion so as to enable the items to be dealt with individually. Councillor Leedham agreed.

There was consensus that the items be dealt with individually.

MOTION: Greig/Leedham

That Council pay for the full cost of Mr Woodcock's attendance at the International Marina Conference, including any relevant inspections, and that the cost be paid from the Shell Cove Project budget allocation subject to the final costing and itinerary being approved by the General Manager.

Councillor Bird FORESHADOWED a MOTION that Item 17.1 be received and noted and a full costing report come back to Council in due course.

63 The MOTION on being PUT to the Meeting was CARRIED 7/5

FOR VOTE - Cr Hamilton, Cr Greig, Cr Briggs, Cr Bailey, Cr Mifsud, Cr Leedham, Cr Jeffreys

AGAINST VOTE - Cr Rose, Cr Gillett, Cr Bird, Cr Hore, Cr Stewart

Councillor Rose requested that the reason for his vote be recorded - that he was not against Mr Woodcock attending the conference, but he believed Council had broken the Act.

17.2 Heritage Assessment for Shellharbour Beachside Tourist Park (8878724)

64 RESOLVED: Briggs/Hore

That Council receive and note this item for information.

CARRIED UNANIMOUSLY

17.3 Current Status of Various Matters in relation to Lot 3, DP 717776, Riverside Drive, Dunmore (8877309)

65 RESOLVED: Bird/Hore

That Council receive and note this item for information.

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

AGAINST VOTE - Cr Rose

17.4 Clean Up Australia Day 2008 (8877453)

66 RESOLVED: Jeffreys/Bailey

That Council receive and note this item for information.

CARRIED UNANIMOUSLY

17.5 Road Closure Procedure (8879227)

67 RESOLVED: Gillett/Bird

That Council receive and note this item for information.

CARRIED UNANIMOUSLY

17.6 Investments (8878672)

68 RESOLVED: Leedham/Greig

That Council receive and note this item for information.

CARRIED UNANIMOUSLY

18. Questions without Notice

69 Councillor Stewart stated that she had made previous requests for Councillor training and had been shocked to find out that she had been the only Councillor to complete a questionnaire about training. Councillor Stewart asked if training does go ahead for Councillors whether it will be compulsory.

The Mayor informed Councillor Stewart that it could not be made compulsory.

70 Councillor Stewart stated that many residents have asked her to convey to Council their thanks for providing shade at Oak Flats Pool.

71 Councillor Jeffreys stated that the Welcome to Shellharbour signs at the Illawarra Regional Airport were outdated and asked if they could be replaced.

72 Councillor Jeffreys asked if signage could be placed on the Princes Highway promoting Shellharbour City.

73 Councillor Leedham asked if the term for Council's representative on the Killalea Trust Board expires next month and asked if Council will be calling for nominations as he was prepared to nominate.

74 Councillor Bird stated that during the recent visit by the Marrickville Council Aboriginal Consultative Committee he observed graffiti on the Aboriginal signage along Shellharbour Road and asked that this be rectified.

75 Councillor Gillett stated that there was a helicopter flying last night at approximately 9.00 pm and asked if Council knew the reason for this.

The Director of Operations & Services advised that he would follow this up.

76 Councillor Rose asked if an insurance company can void a policy if it has not been provided with all relevant information and referred to the "Connie's" operations at the Illawarra Regional Airport.

77 Councillor Rose referred to photographs he has received in relation to the traffic problems at the group home in Shearwater Boulevard and stated that accidents have occurred as a result.

The Mayor informed Councillor Rose that these concerns have already been passed on to the relevant Department.

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- 78 Councillor Rose** asked why Shellharbour Council made a donation of approximately \$300 to Matt Brown's election campaign.

The Mayor stated that he did not know.

- 79 Councillor Bailey** in response to Councillor Rose's comments about the group home in Shearwater Boulevard stated that the majority of group homes are very well run and are an asset to the community.

- 80 Councillor Briggs** asked if the weeds could be attended to that are growing in the kerb at Lake Illawarra, near Windang Bridge.

- 81 Councillor Greig** asked what the rule was regarding briefings for Councillors on major projects and developments, who decided whether there was to be a briefing or not, especially regarding major projects.

The General Manager responded that he will look into this but there was no policy for determining whether or not briefings were to be called.

- 19. Confirmation of the Minutes of the Committee of the Whole Council Meeting (in Confidential Session).**

Nil

- 20. Recommendations from the Committee of the Whole Council Meeting (in Confidential Session)**

Nil

- 21. Late Items of Business / Urgent Business (as introduced by the Chairperson)**

Meeting closed 9.50 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 8 April 2008.

General Manager

Chairperson