

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 15 March 2005 commencing at 7:18 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
Group Manager Community Services & Devel.	L Campbell
Group Manager Corporate Services	T Gearon
Group Manager Works & Services	C Watt
Group Manager Development & Tech Services	M Boenisch
Group Manager Corporate Planning	P Masterson
Group Manager Planning Services	J Tremain
Group Manager Organisational Development	B Rose
Manager Development	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
Corporate Meetings Officer	J Larsen

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## Acknowledgement to Country

The Mayor read to the Meeting "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 22 February 2005

644 RESOLVED: Briggs / Gillett That the Minutes of the Ordinary Council Meeting held on 22 February 2005 be confirmed as a correct record of proceedings.

#### 4.2 Extraordinary Meeting 8 March 2005

Councillor Bailey stated that he believed that pertinent questions put to Council Officers and their responses regarding the reports presented to the meeting should have been included in the minutes of the meeting.

645 RESOLVED: Bird / Hawker That the Minutes of the Extraordinary Council Meeting held on 8 March 2005 be confirmed as a correct record of proceedings with the addition of the word "Unanimous" being included following the adoption of all of the motions and subject to the notation being put in the minutes prior to the resolutions with respect to Items 4.1 and 4.2 that "during debate a number of questions were put to council officers and answered".

### 5. Pecuniary Interest

Nil

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## 6. Condolences

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

Mrs Georgina Perkins (Gina) Sliger	formerly of	Albion Park
Mrs Debbie Baxendale	of	Albion Park Rail
Mr Leo Joseph McGovern	of	Albion Park Rail
Mrs Lillian Rideout	of	Albion Park Rail
Mr Brian Francis (Dono) Donovan	of	Barrack Heights
Mr Peter Ilic	of	Barrack Heights
Mr Bill (Shakey) Parkes	of	Barrack Heights
Ms Alice Penno	of	Barrack Heights
Mrs Isabella (Isabel) Sewell	formerly of	Barrack Heights
Mrs Margaret Perrow	of	Blackbutt
Mr Traugott (George) Hilbig	of	Lake Illawarra
Mr Reg Barton	of	Oak Flats
Mr Stephen Bernard Jackson	of	Oak Flats
Mrs Marge Ada Majorie Lawler	of	Oak Flats
Mr Shane McAndrew	formerly of	Oak Flats
Mr Roy Fennell	of	Shell Cove
Mr Keith Martin	of	Warilla
Mrs Cornelia (Corrie) Van Brederode	of	Warilla
Ms Enea McMurtrie	of	Warilla

646 A Motion of condolence was passed by all present standing in one minutes silence.

## 7. Presentations

Nil

## 8. Mayoral Minutes

Nil

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## 9. Councillors' Reports

Nil

## 10. General Manager's Office

### 10.1 Role of Mayor and Mayoral Delegations (8286665)

647 RESOLVED: Greig/Hawker

That Council formally acknowledge the statutory role of the Mayor and grant delegations presented in this report with the addition that the paragraphs following Delegation 6 on page 5 of the Business Paper be listed as Delegation 7.

### 10.2 Delegations to the General Manager (8286453)

648 RESOLVED: Hawker/Jeffreys

That Council review and endorse the delegations to the General Manager as detailed in Attachment 1 of this report.

### 10.3 Organisational Structure (8308896)

649 RESOLVED: Hawker/Greig

That Council's Organisational Structure remain unchanged.

Further that the Organisational Structure be monitored over the next two years and a further report presented to Council, if required, to review the structure in accordance with Council's responsibilities at that time.

That at that time a further report be provided to the Staff Committee.

### 10.4 Shellharbour City Hall of Fame (8306295)

650 RESOLVED: Bailey/Briggs

(a) That Council adopt the new Inductee Selection Criteria for the Hall of Fame.

(b) That a Mayor's Advisory Panel be established (a) to review nominations and recommend to Council, future inductees into the Hall of Fame and (b) to recommend any changes to the Selection Criteria in the future.

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651 RESOLVED: Hawker/Leedham that Council accept Item 10.5 as a late report.

## 10.5 Appointment of Trustees - Killalea State Park

The General Manager accepted nominations for this position:

Councillor Hawker nominated Councillor Bird.  
Councillor Stewart nominated Councillor Bailey

A vote was conducted by a show of hands with Councillor Bird gaining 9 votes to Councillor Bailey's 4 votes.

Councillor Bird was declared the nominated representative for appointment as an ex-officio member on the Killalea State Park Trust Board.

652 RESOLVED: Hawker/Leedham

That Council elect a Councillor as Council's nomination for appointment of an ex-officio member on the Killalea State Park Trust Board and that nominee be Councillor Barry Bird.

Further that Council's ex-officio nomination to the Trust be permitted to be accompanied at Trust Meetings by a Council technical officer as and when he/she deems it to be in the best interests of Shellharbour City Council and/or the Killalea State Park Trust Board.

## 11. Operations & Services Division

### 11.1 Large Colorbond Shed Constructed Without Approval at Lot 13, DP 807668, 36 Sunset Avenue, Barrack Heights (8297891)

653 RESOLVED: Rose/Mifsud

That Council issue an Order No. 2 under Section 121B of the *Environmental Planning & Assessment Act, 1979*, to demolish the Colorbond shed that has been erected without Council consent.

It is also recommended that, should the Order not be complied with, Council instigate legal proceedings against the owner to have the shed removed.

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## 11.2                    **Development Application No. 768/2001 (Pt 2) Road Naming for Precinct 23, Woodlands Estate, Flinders (8307697)**

654    RESOLVED: Gillett/Bird

1.    That the following road names be adopted for public roads to be created in Stage 23 of the Woodlands Estate, Flinders:
  - Dorough Street
  - Bush Street
  - Atchison Street
  - Bassett Street
  - Arrabi Street
  - Woolgunyah Parkway
2.    That the adopted road names be:
  - a.    placed on public exhibition for a period of one month by way of an advertisement in the Lake Times
  - b.    submitted to the relevant authorities in accordance with Clauses 7 – 10 of the *Roads General Regulation 2000*
  - c.    in the event that submissions are received, the matter be reported back to Council.

## 11.3                    **Stages 2 - 4 Dunmore Lakes Sand Extraction Project, Princes highway, Dunmore (8307954)**

In response to a question from Councillor Mifsud the Mayor advised that the possibility of using water from this project and other projects for irrigation of the golf course is being investigated.

655    RESOLVED: Bird/Gillett

1.    That Council advise the Department of Infrastructure, Planning and Natural Resources that it withdraws its request for a Commission of Inquiry into the proposed Dunmore Lakes Sand Extraction Project.
2.    That Council advise the Department of Infrastructure, Planning and Natural Resources that it generally supports the Stages 2 – 4 proposal subject to all necessary approvals/licences being provided by relevant Government agencies and further, that delegated authority being granted to the General Manager to forward a detailed submission to DIPNR based on comments/issues raised in this report.

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## 11.4 Community Land Plans of Management - Albion Park/Albion Park Rail and Barrack Heights/Barrack Point/Blackbutt - Section 36 Local Government Act (8301563)

656 RESOLVED: Bailey/Stewart

1. That in accordance with the *Local Government Act 1993*, (S 38), the draft Plans of Management for Community Land as listed in this report, 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 plans are 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 Plans of Management for Community Land.

## 12. Community Planning & Strategies Division

### 12.1 Shell Cove Community Centre Fees & Charges (8310822)

657 RESOLVED: Bird/Rose

That Council resolve to exhibit the following fees and charges to be applied to Shell Cove Community Centre:

Standard fee per hour for general use including kitchen:

For Profit organisations	\$11.00 including GST
Not for Profit organisations	\$ 6.60 including GST

Bond:

For Profit organisations	\$200.00
Not For Profit organisations	\$100.00

To be refunded at the end of the organisations use. This will apply to regular users and sessional users.

Free use for Shellharbour City Council Activities.

Further, that a report be presented to Council at the conclusion of the exhibition period.

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## 12.2 Aboriginal Community Centre Opportunity (8310846)

In response to a question from Councillor Bird the Group Manager Community Services and Development advised that the setting up of this interim Community Centre will be an opportunity to "test the water" and see whether the need is there. If after the 2 year initial period a management structure is in place and groups are using the facility they may well be able to raise finance to buy their own building.

658 RESOLVED: Bird/Leedham

That Council authorise officers to negotiate an Expression of Interest for the property at 70 Queen St, Warilla, for use as an interim venue for an Aboriginal Community Centre with a further report to Council if required.

## 12.3 Proposed Works-in-Kind - Tullimbar Village (8310826)

The Mayor advised that Council had received a letter from Mr Greg Glanville this afternoon questioning the validity of the recommendation in the report to grant a S94 Works in Kind offset to Miltonbrook.

The Group Manager Planning Services advised that he had addressed Mr Glanville's concerns in two phone conversations with him this afternoon. He advised that the basis for Mr Glanville's objection was Miltonbrook's trunk drainage works are not contained in the current S94 Plan, and the works proposed are entirely different to those in the Plan, and would therefore not be works-in-kind contemplated by the "cost to council" principle.

In response, the Group Manager Planning Services advised that drainage works for the area currently contained in the S94 Plan are based on a study undertaken in 1992 by Kinhill Engineers. The drainage works approved by the Court for the Tullimbah subdivision are based on a more recent study of Cooback Creek Catchment by Forbes Rigby, and comply with the current legislation/regulations. Whilst Mr Glanville is correct in his statement that the drainage works are different, he is incorrect in his assumption that the difference in the design nullifies the nexus arrangements as the works serve the same purpose.

These issues were raised in their objection to the Tullimbah DA, and our legal advice concluded that the drainage works could be approved as a "Material Public Benefit". The Section 94 Plan will be updated in accordance with the approved drainage design for the subdivision in the 6th Review, due to be presented to council at the next meeting.

## PUBLIC PARTICIPATION

**Greg Glanville** was listed but not in attendance.

### **Lawson Fredericks**

Mr Fredericks stated that he wished to highlight the fact that the considerable money being spent on works will ultimately benefit Council.



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He asked that Councillors consider Option 2 in the report that the developers be allowed to offset the full amount of contributions now because of the significant infrastructure being provided for the future.

659 RESOLVED: Hawker/Greig

1. That Miltonbrook be granted approval to undertake the construction of the trunk drainage works for the Tullimbar Village subdivision as works-in-kind; and
2. That Miltonbrook be granted approval to undertake the construction of the roundabout on the Illawarra Highway at the entrance to the estate as works-in-kind; and
3. That the requirements for the payment of the cash contributions for Benefit Areas 8 & 9 be offset against the cost of the construction of the drainage works and roundabout; and
4. That Miltonbrook be required to pay the cash contribution for City-Wide and Precinct level facilities in accordance with Condition No. 120 of Development Consent 741/2002 (Pt 2), indexed in accordance with Condition No. 123 of Development Consent 741/2002 (Pt 2).

## 12.4 Shellharbour City Heritage Study (8310831)

### PUBLIC PARTICIPATION

#### Mr Kevin Gillis

Mr Gillis advised that he is the President of Tongarra Heritage Society.

He stated that for the past 12 years the Society has been researching and updating the history of the city and in the process, unveiling important historical facts.

He advised that the Heritage Society welcomes the setting up of the heritage working party and looks forward to working with Council to have the history of the city recorded and preserved.

660 RESOLVED: Gillett/Bird

1. That a heritage study working group be formed consisting of 4 interested Councillors and two alternatives, community representatives, one National Trust representative, two consultants and two staff.
2. Council determine Councillor representation, and the Mayor and General Manager be given delegated authority to determine community membership from the nominations received.

The General Manager called for nominations for councillor delegates to the Heritage Study Working Party with four nominations being received, Councillors Hore, Greig, Hawker and Jeffreys and two nominations for alternate delegates being Councillors Gillett and Leedham. He therefore declared the nominated delegates elected.

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661 RESOLVED: Briggs/Bird that Councillors Hore, Greig, Hawker and Jeffreys be the councillor delegates to the Heritage Study Working Group and that Councillors Gillett and Leedham be the alternate delegates.

## **12.5 Allocation of Section 94 funds to the design costs of Rivulet Crescent extension (8310839)**

662 RESOLVED: Briggs/Bird

1. That Council allocate \$23,000 of Section 94 funds for the design and survey costs for Rivulet Crescent Extension.
2. That the budget be amended accordingly.

## **13. Shell Cove Business Division**

Nil

## **14. Committee Recommendations**

### **14.1 Recommendations from the Disabilities Services Advisory Committee Meeting held 16 February 2005 recommended for adoption.**

663 RESOLVED: Stewart/Mifsud

That the Recommendations from the Disabilities Services Advisory Meeting held 16 February 2005 be adopted.

### **14.2 Recommendations from the Australia Day/Special Promotions Committee Meeting held 23 February 2005 recommended for adoption.**

664 RESOLVED: Hawker/Leedham

That the Recommendations from the Australia Day/Special Promotions Committee Meeting held 16 February 2005 be adopted.

### **14.3 Recommendations from the Shellharbour Traffic Committee Meeting held 2 March 2005 recommended for adoption.**

665 RESOLVED: Rose/Jeffreys

That the Recommendations from the Shellharbour Traffic Committee Meeting held 2 March 2005 be adopted.

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## 15. Notices of Rescission Motion

Nil

## 16. Notices of Motion

Nil

## 17. Items for Information

### 17.1 Albion Park Bypass - Future Transport Corridor (8307840)

Note: In response to a question from Councillor Hawker the Director Operations & Services advised that he will try to organise a meeting with relevant parties regarding options for the proposed Albion Park Bypass.

### 17.2 Upcoming Events (8310840)

### 17.3 Investments (8310869)

666 RESOLVED: Hawker/Gillett

That the Items for Information be received and noted.

## 18. Questions without Notice

667 **Councillor Stewart** asked why Lot 100 Industrial Road, Oak Flats had been slashed by Council when the land was no longer owned by Council.

The Director Operations & Services responded by saying that the slashing was in response to a request from the Catholic Education Office and costs were charged at the appropriate rate.

668 **Councillor Stewart** expressed thanks to the Director of Operations & Services from the residents of Oak Flats for ongoing maintenance of the carpark at Fisher and Kingston street Oak Flats.

669 **Councillor Leedham** stated that he was concerned that cars being parked on the reserve south of Windang Bridge on both sides of road were causing a safety hazards for pedestrians and motorists.

670 **Councillor Bird** advised that a resident Wollongong Street, Shellharbour had complained about unclear speed limit signage at the roundabout near the surf club after being warned by the mobile speed display unit that they were exceeding the speed limit in the area. He requested that the installation of more obvious signage be investigated.

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**671 Councillor Bird** referred to an article in the Illawarra Mercury this week making accusations against Council with regard to Illawarra Regional Airport. He was critical of the Mercury for printing these unsubstantiated claims without checking their reliability and asked the Director of Operations and Services for advice as to the validity of the claims.

The Director Operations and Services responded by stating that he was not aware of any breaches in curfew at the airport - the only restriction in place is that pilot training is not permitted after 10 pm at night.

With regard to deviations in flight paths by operators he was not aware of any deviations and the reason for operators to deviate was unclear and would be unsafe for them.

He advised that a complaints mechanism is in place for residents. Each complaint is documented and followed up and a register of complaints kept.

The claim that fuel was dumped on residential properties is clearly untrue. Very few aircraft have this capability and would only do so in emergency situations of which there have been no incidents in Shellharbour.

**672 Councillor Gillett** advised that she had recently attended the launch of a display of paintings by Aboriginal artists at Albion Park Neighbourhood Centre. She asked that thanks be extended to Council officers who were involved in setting up the event.

**673 Councillor Gillett** asked whether there is a Management Plan for Blackbutt Reserve

The Director of Operations and Services advised that this is in place.

**674 Councillor Rose** advised that he has received complaints from residents regarding the Development at 108 Osborne Parade, Warilla.

The General Manager stated that he would make sure an inspection of the site was conducted and any possible breaches of conditions of consent were investigated.

**675 Councillor Rose** stated that trucks are being parked illegally in Shell Cove.

**676 Councillor Rose** asked whether an increase in designated disabled parking spaces in Shellharbour Village could be investigated

The Mayor advised that he will organise a meeting and inspection with Councillors Mifsud and Rose to investigate this.

**677 Councillor Rose** stated that there is an inconsistency in speed limit signage on Shellharbour Road into Ocean Beach Road Shellharbour.

The Group Manager Development & Technical Services advised that this matter has been referred to the RTA.

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**678 Councillor Mifsud** thanked the General Manager for his quick response to a petition of 300 signatures presented in the hope that Council will upgrade the Shellharbour cemetery.

The General Manager advised that this matter has been listed for consideration at the forthcoming budget meeting.

**679 Councillor Bailey** acknowledged the Lake Times reporter Alissa Braithwaite who is relocating out of the area.

**680 Councillor Briggs** asked whether Council has a policy on provision of footpaths where developers provide footpaths in areas of new housing but connection with older areas is not provided for.

The Group Manager Development & Tech Services advised that there is a plan and report addressing these issues to be presented to Council in the near future.

**681 Councillor Hawker** asked Councillors Bird and Gillett whether they had received any complaints regarding the airport.

Councillor Bird stated that he had not been contacted despite the fact that he does know one of the people who approached the Illawarra Mercury with complaints.

Councillor Gillett advised that she has not been contacted regarding any complaints regarding the airport.

**682 Councillor Hawker** advised that the road shoulder at Terry Street down from Ashburton Drive has given way and needs repair.

The Group Manager Works & Services advised that he will follow this up.

**683 Councillor Greig** asked whether playground equipment removed at parks had all been removed because of safety concerns.

The Group Manager Works & Services advised that the old equipment had been removed because of safety concerns and that the new equipment should be installed in the next 6-8 weeks.

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

**Meeting closed 8:50 pm**

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CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 5 April 2005

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General Manager

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Chairperson