

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 05 April 2005 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
Director of Community Planning & Strategies	P O'Rourke
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 Customer & Env. Services	G Standen
Group Manager Development & Tech Services	M Boenisch
Group Manager Planning Services	J Tremain
Section 94 Planner	J Kaul
Group Manager Organisational Development	B Rose
Manager Development Services	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Public Relations Coordinator	A Baltovska
Corporate Meetings Officer	J Larsen

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## 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 15 March 2005

The General Manager informed the meeting that he had sought clarification from the Mayor that the delegations to the General Manager adopted at the last meeting (Item 10.2) included the power to institute legal proceedings and also included total responsibility for the Shell Cove Project. The Mayor confirmed to him, in writing, that this was the Mayor's understanding of the intent of Council's decision.

- 684 RESOLVED: Briggs/Leedham That the Minutes of the Ordinary Council Meeting held on 15 March 2005 be confirmed as a correct record of proceedings subject to the amendment of Item 12.2 to read that the response from the Group Manager Community Services and Development was in answer to a question from "Councillor Bailey", not "Councillor Bird". Further that Council endorse that the Mayor's interpretation of the General Manager's delegations is correct.

In response to Councillor Bailey seeking clarification in regard to two of the powers delegated to the Mayor at the last meeting of Council, the General Manager replied that the use of the "power of entry" power had to be justifiable in the circumstances and that the power to approve annual leave only applied to the General Manager's leave.

### 5. Pecuniary Interest

Nil

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## 6. Condolences

The mayor read details of the following deaths in the Local Government area and also acknowledged the passing of His Holiness, Pope John Paul II.

Mrs Margaret (Isabel) Brown	formerly of	Albion Park
Mr Reg Denny	of	Albion Park
Mr Trevor Korner	of	Albion Park
Mr Steven John Puckeridge	of	Albion Park
Mrs Eleanor May (Tottie) Melhuish	of	Albion Park Rail
Mr Grayson (Unc) Woods	of	Barrack Point
Mr Francis John McLachlan	of	Oak Flats
Mrs Eunice Olive Reynolds	formerly of	Oak Flats
Mr Tony Doheny	of	Shell Cove
Mrs Ann Anderson (nee Anna Louisa Van der Werff)	of	Warilla
Mr Emidio (Black Joe) Cappetta	of	Warilla
Mr John Carratti	of	Warilla
Mrs Annette Helen Hamer	of	Warilla
Mrs Kaliopi Kotoros	of	Warilla
Mr Sase (Sash) Sekuloski	of	Warilla

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

## 7. Presentations

Nil

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## 8. Mayoral Minutes

### 8.1 Personal Assistant to the Mayor

MOTION: Greig/Hore

That Council amend the Policy on Provision of Facilities to the Mayor and Councillors to allow for the provision of an Personal Assistant to the Mayor and advertise the amendment to the policy for 28 days, as required under the *Local Government Act*, and then formally consider the matter.

FORESHADOWED MOTION: Rose/Mifsud That Council receive and note this report only.

686 The MOTION on being PUT to the Meeting was CARRIED 8/4 (Councillors Stewart, Bailey, Mifsud and Rose dissenting)

## 9. Councillors' Reports

### 9.1 ALGWA Conference 17-20 March 2005 (8320279)

687 RESOLVED: Jeffreys/Gillett

1. That this Report be received and noted.
2. That other female Councillors and council officers consider attending the 2006 conference proposed to be held in Coonabarabran.

## 10. General Manager's Office

### 10.1 2005 LGMA National Congress and Expo - Canberra - 22-25 May 2005 (8317901)

688 RESOLVED: Bailey/Hawker

That the General Manager and any interested Councillor(s) be granted approval to attend the LGMA National Congress and Expo being held in Canberra from 22 May to 25 May 2005.

Further that any interested Councillor(s) advise the Councillors' Liaison Officer by no later than 11 April 2005, so that Earlybird registration can be met.

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## 10.2 Illawarra Regional Airport - RPT Operation Charges (8316261)

The General Manager advised that when Council had been investigating appropriate charges for the airport, they had looked at 32 other regional airports. The recommended charge of \$12 was a fairly good average. Some 17 regional airports charge more than \$12 per head for arriving and departing passengers.

689 RESOLVED: Jeffreys/Bird

- That Council adopt a charge of \$12 per head for arriving and departing passengers (not including GST) and that this fee be placed on public exhibition for 28 days in accordance with Council's statutory requirements.
- That Council provide the following rebates on passenger charges to RPT operators for new routes operating to and from Council's airport:
  - first six months 50% rebate
  - second six months 25% rebatewith rebates based on the adopted per head charge.

## 11. Operations & Services Division

### 11.1 DA 767/2004 - Lots 3 & 4, DP 238015, 78 & 78A Addison Avenue, Lake Illawarra - Demolition of Existing Building, Construction of Three Storey Mixed Use Building - Retail/Commercial Units, Offices, Residential Units & Strata Subdivision (8312390)

The Mayor advised that two people have registered for Public Participation, however he has received a late letter from the applicant asking that the matter be withdrawn from this meeting for further negotiation.

Councillor Rose moved a MOTION seconded by Councillor Mifsud that this matter be deferred.

Councillor Hore FORSHADOWED that should this MOTION be lost he would move a MOTION that this matter be withdrawn from this meeting, as requested by the applicant, so that further negotiations can be conducted between the applicant and Council officers.

The Mayor stated that he believed the intent of both motions were virtually the same and asked the mover and seconder of the Motion to consider this. After some discussion the following Motion was moved.

MOTION: Rose/Hore

That Council agree to the applicant's request to withdraw Development Application No. 767/2004 for Lots 3 & 4, DP 238015, 78 & 78A Addison Avenue, Lake Illawarra under Section 80 of the *Environmental Planning & Assessment Act, 1979*, so that further negotiations can be conducted by the applicant with Council officers to address issues of non-compliance.

690 The MOTION on being PUT to the Meeting was CARRIED.

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**11.2 DA 602/2004 - Lot 665, DP 238040, 13 Hogan Avenue, Mount Warrigal (8315066)**

691 RESOLVED: Briggs/Bailey

That Council approve Development Application No. 602/2004 for alterations and additions to existing dwelling and front fence at Lot 655, DP 238040, 13 Hogan Avenue, Mount Warrigal, under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 26 conditions following the conclusion.

**11.3 Development Application Fees DA 440/2003, Princes Highway, Dunmore (8319182)**

The Mayor advised he has received a Late letter from Mr Kosseris asking for deferral of this item to the next Council Meeting.

692 RESOLVED: Gillett/Bird

1. That Council receive and note the report.
2. That Mr Kosseris be advised that any new development application, when submitted must be accompanied by all relevant fees and charges applicable at the time.

**11.4 Community Land Plans of Management - Croom/Flinders/Lake Illawarra - Section 36 Local Government Act (8306721)**

693 RESOLVED: Hawker/Jeffreys

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.

**11.5 Request for easement over community land for drainage purposes (8311501)**

694 RESOLVED: Jeffreys/Stewart

That Council grant approval to proceed with public consultation as detailed in Section 47 of the *Local Government Act 1993*, for the proposal to grant an easement for drainage over part Lot 2 DP 817317 Central Avenue, Oak Flats.

That the matter be reported back to Council at the conclusion of the public consultation stage.

## 12. Community Planning & Strategies Division

### 12.1 Southern Councils Group Minutes & AGM and First Ordinary Meeting 2005 (8320083)

695 RESOLVED: Briggs/Bailey

That Council endorse for adoption the minutes of the Southern Councils Group ordinary meeting held on 4 March 2005, and note the minutes of the Annual General Meeting, as attached to this report.

### 12.2 Conservatorium of Music: Invitation to Board Membership (8320087)

696 RESOLVED: Bird/Briggs

That Council accept the invitation of the Conservatorium of Music Wollongong regarding Board participation and that the nominee be Councillor Gillett.

### 12.3 Blueprint for Community Safety 2005 - 2007 (8319982)

Note: Councillor Stewart and Jeffreys thanked the Group Manager Community Services and Development and her staff for the preparation of the Blueprint for Community Safety 2005-2007

697 RESOLVED: Rose/Gillett

That Council endorses and adopts the "Blueprint for Community Safety 2005-2007" as submitted.

### 12.4 Draft Section 94 Contributions Plan 2005 (8319986)

Note: The Mayor and Councillors thanked Planning Services Staff for the work done on the review of the Plan.

698 RESOLVED: Bailey/Mifsud

1. That the draft *Section 94 Contributions Plan 2005* be placed on exhibition for 28 days and that a further report is presented to Council after this exhibition is complete.
2. That Council commence a review of traffic management options for Albion Park.
3. That in the review of traffic management options for Albion Park, Council reaffirm its commitment to only consider the Tripoli Way By-pass road on the basis that Stages 1 and 2 are constructed together.

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## 12.5 Draft Section 94 Works-In-Kind Policy (8320011)

699 RESOLVED: Bird/Hawker

That Council place the *Draft Section 94 Works-in-Kind Policy* on exhibition for 28 days in conjunction with Council's *Draft Section 94 Contributions Plan 2004*.

## 12.6 Regional Arts NSW Country Arts Support Program Grant (8320563)

700 RESOLVED: Greig/Hawker

That Council accepts a grant of \$2000.00 from Regional Arts NSW Country Arts Support Program for the Tongarra Artist in Residence Project, "Valuing Heritage and History in our Community" and adjusts the budget accordingly.

## 13. Shell Cove Business Division

Nil

## 14. Committee Recommendations

### 14.1 Recommendations from the Aboriginal Advisory Committee Meeting held 8 March 2005 recommended for adoption.

701 RESOLVED: Bird/Greig. That the Recommendations to Council from the Aboriginal Advisory Committee Meeting held 8 March 2005 be adopted.

## Notices of Rescission Motion

Nil

## 16. Notices of Motion

Nil

## 17. Items for Information

### 17.1 Dunmore Waste Depot - Sand Mining Operation (8319275)

### 17.2 Clean Up Australia Day 2005 (8319212)

Councillor Jeffreys suggested that the possibility of engaging a part-time coordinator for next year's Clean Up Australia Day be investigated as she is aware that funds are available for such a position through the National Event organisers. She added that this could broaden the scope of activities in Shellharbour City.



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**17.3 Renewal of Shellharbour City Good Neighbour Scheme (8320097)**

**17.4 Good Neighbour Scheme - Neighbour Network Information Booklets (8320103)**

702 RESOLVED: Hawker/Leedham

That Council receive and note these items for information.

**18. Questions without Notice**

703 **Councillor Jeffreys** asked who was responsible for maintenance of the carpark at rear of the shops at Albion Park Rail.

Councillor Stewart advised she has already contacted Council officers with regard to this matter

704 **Councillor Hore** asked if the Speed monitoring unit could be set up in Leawarra Avenue in the near future as he has received complaints from a resident with regard to speeding vehicles.

The General Manager stated he had sent an instruction to the Director of Operations & Services on this matter.

705 **Councillor Hore** advised that he has been made aware of a problem with rubbish being dumped in Shellharbour Pool. He requested that locks be put on rubbish bins in the vicinity of the pool.

The General Manager stated he had sent an instruction to the Director of Operations & Services on this matter.

706 **Councillor Hawker** asked whether the installation of cigarette butt bins in Albion Park could be investigated.

707 **Councillor Rose** asked when the Shellharbour Village safety audit report would be available.

The Group Manager Community Services and Development advised that it was up to the police to provide the report and they had advised that they will provide it as soon as possible.

708 **Councillor Mifsud** requested that he ask a the General Manager a question of a confidential nature in Committee of the Whole.

709 RESOLVED: Mifsud/Hawker That Council resolve into Committee of the Whole to consider Councillor Mifsud's question.

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**Meeting adjourned at 8:10 pm**

**Meeting resumed at 8:42 pm**

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

Nil

**Meeting closed 8:42 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 26 April 2005

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General Manager

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Chairperson