

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 17 May 2005 commencing at 5:22 pm**

**Present**

His Worship the Mayor	Councillor D Hamilton
A Ward	Councillor M Greig Councillor T Hawker
B Ward	Councillor H Stewart
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	J Tremain
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 Development & Technical Services	M Boenisch
Group Manager Customer & Env. Services	G Standen
Group Manager Corporate Planning	P Masterson
Group Manager Organisational Development	B Rose
Manager Financial Services	P Henderson
Manager Development Services	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Public Relations Coordinator	A Baltovska
Business Liaison Officer	J Robinson
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

An apology was tendered on behalf of Councillor Jeffreys

#### Committee of the Whole Council Meeting

An apology was tendered on behalf of Councillor Jeffreys

756 RESOLVED: Leedham/Hore. That the apology as tendered be accepted.

### 2. Confidential Business (Committee of the Whole)

In accordance with the *Local Government Act 1993*, and the *Local Government (Meetings) Regulation 1993*, 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.

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## CONFIDENTIAL ITEMS

757 RESOLVED: Briggs/Mifsud

1. That Council resolve into Committee of the Whole to consider the following 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) 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 as required by the *Local Government Act 1993*, Section 11(2).

### 2.1 Tender 2005/1 - Dunmore Waste Depot Sand Dredging Operation (8339095)

#### Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)([d]) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tendering process. Some information provided to council by tenderers is provided on the basis that council will treat it as commercial in confidence.

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to council's decision.

**Meeting adjourned at 5:23 pm**

**Meeting resumed at 7:15 pm**

#### 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".

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## 3. Recommendations from Committee of the Whole

The following Recommendations to Council from the Committee of the Whole Council were read to the Meeting by the General Manager.

### 2.1 Tender 2005/1 - Dunmore Waste Depot Sand Dredging Operation (8339095)

#### COMMITTEE RECOMMENDATION:

That council accept Rowdi Pty Ltd's (Davidson Dredging Pty Ltd) conforming tender to supply and operate a dredge and sand plant at the schedule of rates listed in Attachment 1 of this report for a period of two years with the option of a one year extension by mutual agreement.

758 RESOLVED: Briggs/Greig

That the Recommendations to Council from the Committee of the Whole meeting held earlier today be adopted.

## 4. Confirmation of Minutes

### 4.1 Ordinary Meeting 26 April 2005

759 RESOLVED: Briggs/Hawker That the Minutes of the Ordinary Council Meeting held on 26 April 2005 be confirmed as a correct record of proceedings.

### 4.2 Committee of the Whole 26 April 2005

760 RESOLVED: Briggs/Hawker That the Minutes of the Committee of the Whole Council Meeting held on 26 April 2005 be confirmed as a correct record of proceedings.

## 5. Pecuniary Interest

**Councillor Briggs:** Item 11.3 Narran Way Footpaths, Flinders (8339734)

**Nature of Interest:** Councillor Briggs is a nearby land owner.

**Councillor Greig:** Item 11.7 Upgrade of Caroline Chisolm Park (8339274)

**Nature of Interest:** Councillor Greig is a nearby land owner.

**Councillor Bailey:** Item 12.3 Expressions of Interest Illawarra Regional Airport – Light Aviation Industry Cluster (8341910)

**Nature of Interest:** Councillor Bailey stated that there could be a perceived pecuniary interest as one of the proposed tenants supported him in a previous election campaign.

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## 6. Condolences

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

Mr Ronald Thomas (Ron) Smith	of	Albion Park
Mrs Dorelle Astbury	of	Albion Park Rail
Mr Frank Webster	of	Albion Park Rail
Mr Peter Alcock	of	Barrack Heights
Mrs Mary Jane (Jean) Quinn	of	Barrack Heights
Mrs Louise Pinkerton (nee Pirri)	of	Dunmore
Mrs Gladys Climo	of	Flinders
Mrs Tessie Balzan	of	Lake Illawarra
Mr Harold James (Harry) (Prof) Allison	of	Mt Warrigal
Mr Terrence George Beckett	of	Mt Warrigal
Mr Francis (Frank Arthur) Mealey	of	Mt Warrigal
Mr Len Plummer	formerly of	Mt Warrigal
Mrs Edna May Carter	of	Oak Flats
Mrs Noelene Vera Mary Hudson	of	Oak Flats
Mr Jason Wingate (Boris) Kyle	of	Oak Flats
Mr Frank Ralph	of	Oak Flats
Mrs Remedios Cordoba	of	Shellharbour
Baby Joshua Zoran Milosevski	of	Shellharbour
Mrs Phena Margaret Munro	of	Shellharbour
Mr Fred Stewart	of	Shellharbour
Mrs Catherine Aldridge	formerly of	Warilla
Mrs Rufina (Fina) Alvarez	of	Warilla
Mr Frederick Hodgkinson	of	Warilla
Mr Kevin Thomas Lever	of	Warilla
Mr Donald Albert Mark (Don) Webb	of	Warilla

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

## 7. Presentations

Nil

## 8. Mayoral Minutes

Nil

## 9. Councillors' Reports

Nil

## 10. General Manager's Office

### 10.1 Management Plan Quarterly Report, Quarter ended 31 March 2005 (8341107)

762 RESOLVED: Greig/Briggs

That the report be received, noted and endorsed.

### 10.2 March 2005 Quarter Budget Review (8338198)

## PUBLIC PARTICIPATION

### Johanna Schmidt

- Mrs Schmidt advised that she represents the Oak Flats Progress Society founded in 1946. She stated that Oak Flats residents feel isolated and neglected in relation to other parts of the city.
- She highlighted some items she had difficulty in interpreting - actual costs in the attachments to the report.
- She suggested that Oak Flats residents should be excluded from rate rises.

The Mayor advised that Council officers will contact Mrs Schmidt with answers to her questions.

In response to a question from Councillor Rose the General Manager advised that while the Shell Cove accounts are separate from Council's accounts, an administration fee based on land sales is paid into Council's accounts to cover expenses incurred from the Shell Cove Division.

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763 RESOLVED: Hawker/Briggs

1. That Council adopt the March Quarter Budget Review with all new items as contained in this report. This will result in a revised budget surplus for the year ended 30 June 2005, of \$9,043.
2. That the RTA Grants listed in the new items section of this report be accepted.

## 10.3 Illawarra Regional Airport - Expressions of Interest (8341393)

The General Manager addressed the meeting in order to clarify a possible misunderstanding in the last paragraph of the background section of his report and advised that he understood that some people may have read this paragraph and taken it to mean that he was referring specifically to Mr Holstein whereas his intention was that he was referring to the website overall and not Mr Holstein personally.

The Mayor allowed Councillor Rose to ask a question of Council's solicitor before discussion commenced.

Councillor Rose asked Council's solicitor whether the General Manager's report was legal and allowable and would it leave councillors in support of the report open to legal ramifications. He stated that he wished to be excused from the Chamber for this item.

Council's Solicitor advised that the report was allowable in accordance with the Local Government Act under "qualified privilege" as a means for the General Manager to advise council of the situation and provide relevant information. He further advised that the whole purpose of Councillors participating in the Chamber was to debate items under qualified privilege.

Councillor Rose also asked Council's Solicitor whether this report was a proper and legal document to be considered by Councillors and Council's solicitor replied "Yes". Councillor Rose asked Mr Peedom if he was willing to put that in writing and Mr Peedom stated that he was. Councillor Rose commented that if he was not permitted to leave the Chamber he would not participate in the debate.

## PUBLIC PARTICIPATION

### Sonya McKay

Ms McKay brought up several issues which were not related to the report under consideration.

The Mayor requested that she keep to the issues raised in the report.

Ms McKay had no issues relevant to this report.

### Peter Holstein

Mr Holstein advised that 12 months ago he sought approval to renew his lease at the airport. Upon rescission of an original resolution Council decided to allow him to renew his lease for a 12 month period with the option to submit an Expression of Interest at the end of that period.

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He advised that he had met all the requirements and submitted all paperwork to fulfil the tendering requirements.

He stated that the Committee agreed that Aerowasp was a suitable candidate for lease of space at the airport.

He stated that the report by the General Manager was defamatory and a clear attempt to influence the tender process and Council's decision on the Expressions of Interest report later in the Agenda. He stated that proof of the victimisation and contempt held against him is obvious in the report and stated that this is a personal vendetta by certain Council Officers.

He stated that this report was on the Internet on Council's website and it is scandalous and defamatory and he asked councillors to ignore the report and treat it with the contempt it deserves.

## **Ken Garland**

Mr Garland advised that he was responding to a written allegation about his business and available to answer questions.

In response to a question from Councillor Mifsud the General Manager advised that he had written the report as the General Manager and he would be happy to answer Councillor Mifsud's questions in private but declined to comment further as Mr Holstein had advised that he would be taking legal action against him.

764 RESOLVED: Briggs/Hore

That this report be received and noted and that the General Manager be thanked for his report as requested by Councillors.

(Councillors Mifsud and Rose dissenting)

## **11. Operations & Services Division**

**11.1 DA 19/2004 - Lot 4707, DP 1061816, Gore Avenue, Shell Cove - 15 Dwellings - Torrens Title Subdivision and Community Title Subdivision (8336834)**

### **PUBLIC PARTICIPATION**

#### **Peter Moran**

- Mr Moran stated that the project is one development and that Council is choosing to deliberate on it under two different policies and are therefore using an artificial means to pass it.
- He suggested that the development was against the will of the people.

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## Nigel Edgar

- Mr Edgar advised that he is the General Manager of Australand. He advised that his company welcomed the opportunity to provide high quality housing to Shell Cove - Australand operates in Sydney, Melbourne and Perth and has won awards for design.
- The site has been identified for integrated development within the structure plan and development plan.
- He advised that there is now a State Government density requirement of 15 dwellings per hectare. Shell Cove needs to have some medium density to achieve this outcome.
- He stated that the proposed development has been the subject of extensive consultation. Australand have been in consultation with the ward councillors and made some changes which have attended to the majority of the issues of concern.
- He advised that he believes the design as presented is appropriate for the site.

Councillor Mifsud stated that the new release of land currently on sale clearly identifies medium density as part of the development. He highlighted the importance of awareness of buyers that there will be medium density development in the estate. He suggested that it was important to make sure advertising signs clearly indicate what is proposed.

Mr Edgar advised that his company is careful of how they “sign” their developments and try to make it clear what is proposed. He stated that he is prepared to be guided by Council as to what they require on future signs and will ensure that the Shell Cove estate is properly signposted in the future.

765 RESOLVED: Bird/Greig

That Council approve Development Application No. 19/2004 for the development comprising 15 dwellings, torrens title subdivision and community subdivision at lot 4707, DP 1061816, Gore Avenue, Shell Cove under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 64 conditions immediately following the conclusions of this report.

The Mayor called a 5 minute recess.

**Meeting adjourned at 8:30 pm**

**Meeting resumed at 8:35 pm**

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## 11.2 Formation of Dunmore Quarry Community Consultative Committee (8340481)

766 RESOLVED: Gillett/Greig

That Councillor Bird be nominated as Council's representative on the Dunmore Quarry Community Consultative Committee.

Note: The Mayor advised that as the first meeting of the Consultative Committee is tomorrow night and as Councillor Bird will be in attendance at the Extraordinary Meeting, Mr Graham Mitchell will represent Council for that meeting in his place.

## 11.3 Narran Way Footpaths, Flinders (8339734)

Note: Councillor Briggs declared an interest in Item 11.3 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

The Mayor advised the meeting that he has received a request from Council officers to withdraw this item as it would be more appropriate to reconsider it with a future report currently being prepared regarding the Master Plan for footpaths in Shellharbour City.

767 RESOLVED: Bird/Bailey

That this item be withdrawn and be reconsidered as part of the Master Plan for footpaths in Shellharbour City.

Councillor Briggs here returned to the Chamber.

## 11.4 Disabled Playground Equipment, Reddall Reserve, Lake Illawarra (8337267)

768 RESOLVED: Hore/Leedham

1. To install playground equipment for disabled children in Reddall Reserve, Lake Illawarra.
2. That \$30,000 be allocated from Ward D Grant Matching Funds for the installation of disabled playground equipment in Reddall Reserve.
3. That council accepts the \$20,000 offered by the Lake Illawarra Authority.
4. That the State Member for Illawarra, Marianne Saliba, be contacted and requested to make representations to obtain equivalent State funding to that offered by council and the Lake Illawarra Authority.

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5. That the budget be amended accordingly.
6. Further that this matter be referred to the Disabilities Services Advisory Committee when the project reaches the design stage.

## **11.5 Darcy Dunster Reserve, Amenities (8339725)**

769 RESOLVED: Hawker/Greig

1. To accept the \$12,500 grant from the Lake Illawarra Authority.
2. That \$12,500 be allocated from Ward A Grant Matching Funds.
3. That the budget be amended accordingly.

## **11.6 Kingston Street Footpath, Central Avenue to Reynolds Lane, Oak Flats (8340503)**

Note: Councillor Stewart advised that after consultation with the adjoining residents they are happy for the project to go ahead.

770 RESOLVED: Stewart/Bailey

1. To construct a footpath on Kingston Street between Central Avenue and Reynolds Lane, Oak Flats.
2. That \$3,150 be allocated from Oak Flats Streetscape to allow for construction of the footpath with the remaining \$1,250 to be funded from resident contributions.
3. That the budget be amended accordingly.

## **11.7 Upgrade of Caroline Chisholm Park (8339274)**

Note: Councillor Greig 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.

MOTION: Rose/Mifsud

That Caroline Chisholm Park be upgraded in accordance with the attached plan at an estimated cost of \$22,500 and that the work be funded from the Ward E allocation for bus/park seats and shelters – various, with the remainder being funded from the Shellharbour Streetscape allocation.

Councillor Hore moved a FORESHADOWED MOTION that the monument be moved to Little Park.

After discussion about a request from the RSL to consider the relocation of the monument to Little Park the Motion and Foreshadowed Motion were withdrawn.

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771 RESOLVED: Rose/Hore

That this matter be deferred for further investigation and consideration of the request by the RSL to move the monument currently in Caroline Chisolm Park to a more prominent position in Little Park near the boatharbour.

Councillor Greig here returned to the Chamber.

## 11.8 Amended Fees and Charges – Illawarra Regional Airport RPT Operation Charges (8340388)

### PUBLIC PARTICIPATION

#### Sonya McKay

- Ms McKay advised that she had a major concern that fees will be subsidised. If the Airport is to be profitable – why are all the incentives necessary.
- Restricting to one operator – creating monopolies
- On history of past Impulse passenger movements it will be a long time before costs paid back.
- Suggested introduction of a Noise levy to compensate residents.

The Mayor asked why Ms McKay had not chosen to submit a written submission during the exhibition period which has just closed. He further stated that no submissions were received by Council.

Councillor Mifsud asked why the exhibition period was not advertised in the Lake Times.

772 RESOLVED: Hawker/Gillett

1. That Council resolve to adopt the new fees and charges for the Illawarra Regional Airport as detailed below.
  - That Council adopt a charge of \$12 per head (not incl GST) for arriving and departing passengers.
  - 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% rebate

with rebates based on the adopted per head charge.

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## 11.9 Requests for Donation (8339899)

Councillor Bailey commented that the amounts allocated for Fee Reduction did not appear to be very much considering the costs involved for these charities.

773 RESOLVED: Gillett/Hawker

1. That Council resolve to donate the following contributions totalling \$7,871.80:
  1. Lake Illawarra Police & Community Youth Club
  2. Australian Volunteer Coast Guard NF7 Shellharbour
  3. Oak Flats Ladies Soccer Club
  4. Angels of Hope
  5. Spanish speaking Catholics Tsunami Relief Appeal
  6. Flinders/Shellharbour Play Group
  7. Illawarra Road Safety Park
  8. Mount Warrigal Koori United Football Club
  9. The Disability Trust – Recreation Illawarra
  10. Salvation Army Red Shield Appeal
  11. Albion Park RSL Sub Branch
2. That Shellharbour City Baptist Church be granted the free tipping of green waste to the value of \$300, that Warrigal Care be granted the free tipping of green waste to the value of \$500 and that St Vincent De Paul Oak Flats be granted the free tipping of unusable goods to the value of \$500.

## 11.10 Review of Shellharbour City Council's Donations Policy (8339700)

774 RESOLVED: Hawker/Gillett

That Council adopt the amended Donations Policy as attached to this report

## 11.11 Community Land Plan of Management - Section 36 Local Government Act (8342026)

### PUBLIC PARTICIPATION

#### Peter Moran

- Urged councillors to reject proposed Plan of Management and rethink whole area.
- Do nothing plan – does not provide anything for residents of Oak Flats.
- This overgrown drain is unfortunately a significant percentage of open space in Oak Flats.
- Put in place a complete Plan of Management for Oak Flats – start again

775 RESOLVED: Briggs/Leedham

1. That in accordance with the *Local Government Act 1993*, (S 38), the draft Plan of Management for Community Land as listed in this report, be placed on public

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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 Plan of Management for Community Land as listed in this report.

(CARRIED UNANIMOUSLY)

## 12. Community Planning & Strategies Division

### 12.1 Draft Shellharbour Local Environmental Plan (Amendment No 6) (8341758)

#### PUBLIC PARTICIPATION

##### Sonya McKay

Mr McKay withdrew her request to speak in Public Participation until after the public exhibition period.

##### Thomas McIlrath

Mr McIlrath was not present in the gallery.

776 RESOLVED: Gillett/Bird

That Council resolve to amend the resolution from its meeting on 9 April 2002 to:

- (a) Prepare and exhibit a draft Local Environmental Plan to:
  - (i) rezone the following lots from 2 (a) Residential to 4 (a3) Airport Light Industrial:
    - Part of Lot 71, DP 664051, Princes Highway, Albion Park Rail
    - Part of Lot 70, DP 664052, Princes Highway, Albion Park Rail
    - Lot 69, DP 664053, Princes Highway, Albion Park Rail
    - Part of Lot 68, DP 11034, Princes Highway, Albion Park Rail
    - Part of Lot 14, DP 244190, Princes Highway, Albion Park Rail
    - Lot 5, DP 244190, Princes Highway, Albion Park Rail
    - Part of Lot 66, DP 11034, Princes Highway, Albion Park Rail
    - Part of Lot 65, DP 11034, Princes Highway, Albion Park Rail
    - Part of Lot 64, DP 11034, Princes Highway, Albion Park Rail
    - Part of Lot 63, DP 11034, Princes Highway, Albion Park Rail
    - Part of Lot 1, DP 664054, Princes Highway, Albion Park Rail
  - (ii) review the current land use controls associated with the 4 (a3) Airport Light Industrial zone to ensure they are relevant and allow for a variety of light industrial uses.

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- (b) Prepare and exhibit a draft Industrial Development Control Plan, amending the Airport Light Industrial – Map 1 to include the proposed 4 (a3) Airport Light Industrial properties and review Schedule 2 – Specific provisions for Airport Light Industrial area.

## 12.2 NSW Government's Planning Reforms (8341767)

777 RESOLVED: Greig/Leedham

That Council receive and note this report.

## 12.3 Expressions of Interest Illawarra Regional Airport - Light Aviation Industry Cluster (8341910)

Note: Councillor Bailey declared an interest in Item 12.3 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

### PUBLIC PARTICIPATION

#### Sonya McKay

- Ms McKay expressed concern at the amount of money being put into the airport.
- If there is a shortfall in the budget more consideration needs to go to expenditure.
- What returns on capital investment – ongoing costs of servicing airport.
- What environmental safeguards exist.
- What does the community feel – lack of genuine consultation.

#### Ken Garland

- Urged Council to accept recommendation in total.
- Advised his company, Aero V Australia, manufactures light sport aircraft. 75% overseas market.
- Mix of companies proposed is a good mix. Spoken to a couple of people whose nominations are in. Don't have a problem with any of the operators nominated.
- Working with local industry over last 3 months - 10 small engineering companies in local area who will be part of the manufacture of the aircraft will also gain benefit.

#### Neil Allen

- Managing Director of Capital Aircraft – here to answer questions.
- Advised size of existing hangar and office space attractive to his business presently located near Canberra.

Councillor Hawker asked the Group Manager Corporate Planning, Mr Peter Masterson, whether the Committee had taken into account Mr Holstein's past history at the airport as part of the assessment of his application.

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Mr Masterson advised that the committee, under advice from Council's Auditor, did not take into account Mr Holstein's past history with Council. The committee was composed of three representatives from Council and one representative from the Illawarra Area Consultative Committee. Two of these committee members had no knowledge of Mr Holstein's past history and it could not be introduced as a part of the selection criteria.

MOTION: Hawker/Bird

That Council adopt recommendation points 1, 2, 3, 5, 6, 7, 8 and 9 as indicated below:

1. That Capital Aircraft Services Pty Ltd be advised that their expression of interest lodged for the large existing hangar at Illawarra Regional Airport is successful subject to development consent being obtained and satisfactory lease negotiations being concluded.
2. That Aero V Australia Pty Ltd be advised that their expression of interest lodged for the largest new hangar currently being constructed at Illawarra Regional Airport is successful subject to development consent being obtained and satisfactory lease negotiations being concluded.
3. That Airag Aviation Services Pty Ltd be advised that their expression of interest lodged for a smaller new hangar currently being constructed at Illawarra Regional Airport is successful subject to development consent being obtained and satisfactory lease negotiations being concluded.
5. That the General Manager be authorised to sign any necessary Development Application as land owner
6. That the results of all lease negotiations be reported to a future Council meeting
7. That lease negotiations be conducted on the basis of the lease terms and conditions contained in this report and the draft lease document and deed of agreement attached to this report.
8. That Council offer a three month rent free period to assist with business relocation and establishment costs.
9. That Council continue to actively market any vacant hangar seeking tenants supportive of Council's objective of establishing compatible aeronautical light industry and employment opportunities at the airport.

Councillor Rose FORESHADOWED a MOTION that the whole recommendation as printed in the Business Paper be adopted and that the personal vendetta be thrown out the window.

The Mayor advised that as landlord of the airport Council does not have to accept an application that it deems to be unsuitable even if it meets the criteria of the application.

Councillor Hawker stated that he was a councillor when this issue was last brought to Council when the new 12 month lease was granted to Aerowasp and that the situation does not appear to have improved.

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778 The MOTION on being PUT to the Meeting was CARRIED

(Councillors Mifsud, Rose and Stewart dissenting).

Councillor Bailey here returned to the Chamber.

## 13. Shell Cove Business Division

### 13.1 Shell Cove Project - Progress Report to 8 May 2005 (8335941)

779 RESOLVED: Greig/Hawker

1. That this report be received and noted.
2. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of Lot 8031 DP 1072187 and on the Transfers for proposed lots 8101 to 8118 (Stage 8A2).

## 14. Committee Recommendations

### 14.1 Recommendations from the Aboriginal Advisory Committee Meeting held 3 May 2005 recommended for adoption.

780 RESOLVED: Bird/Greig

That the Recommendations from the Aboriginal Advisory Committee Meeting held 3 May 2005 be adopted.

### 14.2 Recommendations from the Traffic Committee Meeting held 4 May 2005 recommended for adoption.

Councillor Stewart stated that, as Ward councillor, she would like to have been consulted about Items 5.1 and 5.2 presented to the Traffic Committee as late items on 4 May 2005. She advised that she wished to make sure that the local business proprietors were consulted and that they were in agreement with the proposed changes. She also stated that when she attended the Traffic Committee Meeting she was not allowed to voice her concerns at that meeting.

The Mayor advised Councillor Stewart that as the Traffic Committee was an external Committee conducted under RTA guidelines the appropriate time and place for her to voice her concerns as a councillor was when the recommendations were being adopted by Council.

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781 RESOLVED: Bird/Greig

That the Recommendations from the Traffic Committee Meeting held 4 May 2005 be adopted with the exception of Items 5.1 and 5.2 which are to go back to the Traffic Committee for reconsideration.

## 15. Notices of Rescission Motion

### 15.1 Notice of Rescission Motion Item 11.2 26 April 2005 submitted by Councillors Rose, Mifsud and Bailey

The RESCISSION MOTION was formally moved by Councillor Rose and seconded by Councillor Mifsud

782 The RESCISSION MOTION on being PUT to the meeting was CARRIED

### ALTERNATIVE MOTION

783 RESOLVED: Hawker/Leedham That the decision in respect of Item Number 11.2 of 26 April 2005 be deferred until Telstra can come to Council with a report as to why this is the preferred location for the telecommunications tower and to address councillor's and the public's other concerns.

### 15.2 Notice of Rescission Motion Item 11.4 26 April 2005 submitted by Councillors Mifsud, Rose and Bailey

In response to a question from Councillor Rose the Manager Development Services advised that it is permissible to have an ancillary retail component to a business where the item is being manufactured or an imported item is being stored and then distributed from the premises to retail outlets. However acting as an agent for a company and acting as a normal retail shop is prohibited in a manufacturing/industrial zone.

In response to a question from Councillor Bailey the Manager Development Services advised that the applicant could lodge an application of a review of council's determination. That process would involve sitting down with the applicant to see what opportunities for approval can be recommended. He further advised that Council could look at options of industrial process and warehousing but the display and sale of other items could not be supported. The applicant would be permitted to continue to trade until the appeal was determined.

Councillor Bird asked whether the business would be better suited at other locations in the city and whether other suitable locations are available.

The Manager Development Services advised that other places are available.

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The RESCISSION MOTION was formally moved by Councillor Rose and seconded by Councillor Mifsud

784 The RESCISSION MOTION on being PUT to the meeting was LOST (5/7)

The Mayor stated that the company has every right to approach Council to seek a review of the decision or to lodge an appeal with the council. The door is open to them to discuss options.

785 RESOLVED: Briggs/Rose That the Zoning of the Business Park be reviewed and that a full report be provided to Council.

## 16. Notices of Motion

Nil

## 17. Items for Information

17.1 Cycleway - Junction Road, Shellharbour (8339223)

17.2 Investments (8341027)

786 RESOLVED: Hawker/Rose

That the Items for Information be received and noted.

## 18. Questions without Notice

787 **Councillor Stewart** asked the Director Operations & Services why the animal pound is only open between 8 am and 9 am every day. She stated this makes it difficult for working residents and asked would it be possible for it to be open in the afternoon as well.

788 **Councillor Stewart** highlighted the fact that as a result of the development of Lot 100 at Oak Flats the off leash dog area has been severely reduced. She asked whether it would be possible for another area to be designated as an off-leash dog area somewhere else in Oak Flats.

789 **Councillor Stewart** asked whether it was true that the restaurant at The Links has ceased to trade.

790 **Councillor Rose** said that he was concerned for the safety of children of the community because of the risk of swimming in possibly polluted water in the lagoon in Reddall Parade. He stated that he was Informed by lake action group that they had expressed

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concerns to Council. The small signs that advise not to swim three days after rain are not prominent enough.

The Director Operations & Services advised that The Lake Illawarra Authority is concerned about this issue. Unfortunately it takes 4 to 5 days to get results of tests. The Lake Illawarra Authority is responsible for putting warning signs up.

**791 Councillor Rose** asked when the tenure period of the General Manager is up.

The General Manager advised that his contract expires in September 2006. He is required to give six months notice of whether or not he wishes to renew his contract.

**792 Councillor Mifsud** asked what sort of return Council is receiving from the golf course at the moment.

**793 Councillor Mifsud** asked whether the issue of the gates at Shellharbour Foreshore could be reviewed as problems are reoccurring.

**794 Councillor Mifsud** asked whether there had been any developments in respect to the laneway at Shell Cove in the Gore Avenue area.

The General Manager advised that Council will be conducting inspections. He advised that he has written to the residents association. The RTA is being consulted. The matter is being pursued diligently.

**795 Councillor Mifsud** wished to acknowledge Councillor Stewart and Councillor Bailey for their work on organisation of the Charity Race Day held last weekend. He also thanked the Communications department of Council.

**796 Councillor Bailey** also thanked all the Communications Department staff for a great job in organising the race day.

**797 Councillor Hawker** asked when next Albion Park Streetscape Committee meeting is to be held.

**798 Councillor Hawker** asked whether parking infringement notices issued in Tongarra Road could be issued on the spot rather than in the mail as more of an instant deterrent to offenders.

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

The Mayor proposed to resolve into Committee of the Whole.

The Mayor declared a 5 minute recess.

**Meeting adjourned at 10:15 pm**

**Meeting resumed at 10:23 pm**

799 RESOLVED: Hawker/Greig

1. That Council resolve into Committee of the Whole to consider late business as tabled at the meeting by the Mayor.
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) 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 as required by the *Local Government Act 1993*, Section 11(2).

### Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)([a] & [g]) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals; and
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

It is considered that it is not in the Public Interest to conduct public, open discussion of matters involving complaints against personnel.

**Meeting adjourned at 10:25 pm**

**Meeting resumed at 11:01 pm**

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No recommendations from Committee of the Whole.

**Meeting closed 11:01 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 7 June 2005

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General Manager

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Chairperson