

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 07 June 2005 commencing at 7:15 pm**

Present

His Worship the Mayor	Councillor D Hamilton
A Ward	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

Director of Operations & Services	A Webster
Director Shell Cove Business Unit	P Woodcock
Director Corporate 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 Customer & Env. Services	G Standen
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
Public Relations Coordinator	A Baltovska
Corporate Meetings Officer	J Larsen

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".

The Mayor addressed the meeting and stated the following:

Shellharbour City Council was one of the first Councils in the State to provide an opportunity for the community to be heard at Council meetings. We strongly believe that the public should be able to speak directly to councillors as a group and we willingly provide that vehicle for you. However, with that provision comes a responsibility from the public.

We ask that comment is kept directly on an item on the Business Paper and that speakers conduct themselves with due respect to the Council. They must also observe the rules of order and meeting procedure as contained in the Code of Meeting Practice. Those rules also extend to the members of the public gallery. I would ask that members of the public observe the meeting tonight without making inappropriate comments or actions directed at the Council.

While you may not always agree with their opinions, councillors are the community's elected representatives and as such are entitled to carry out their civic duty without disrespect from the public gallery.

Please take this as notice that such actions will not be tolerated in this chamber and those who do not follow the rules of meeting practice will be asked to leave.

Once elected, councillors should strive to find ways of working together for the good of the whole community not just individual groups.

The elected Mayor is the leader of all councillors, not just the majority. All councillors are accountable for all decisions – whether they support them or not.

Council management should feel free to give open and honest advice to councillors without fear of a personal attack.

1. Apologies / Leave of Absence

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An apology was tendered on behalf of Councillor Greig

803 RESOLVED: Hawker/Briggs. 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 17 May 2005

804 RESOLVED: Briggs/Hawker That the Minutes of the Ordinary Council Meeting held on 17 May 2005 be confirmed as a correct record of proceedings.

Note: Councillor Rose advised that he has not yet received written advice from Council's solicitor as requested regarding a question asked in discussion of Item 10.3 at the last meeting.

4.2 Committee of the Whole 17 May 2005

805 RESOLVED: Briggs/Hore That the Minutes of the Committee of the Whole Council Meeting held on 17 May 2005 be confirmed as a correct record of proceedings.

4.3 Extraordinary Meeting 18 May 2005

Councillor Mifsud stated that he believed the Extraordinary Meeting Minutes did not provide a true reflection of what happened on the night. The Mayor's comments were not included in the minutes whereas Councillor Rose's comments were highlighted.

Councillor Jeffreys advised that she did receive a briefing on the budget.

806 RESOLVED: Hawker/Briggs That the Minutes of the Extraordinary Council Meeting held on 18 May 2005 be confirmed as a correct record of proceedings.

CARRIED (Councillors Bailey, Mifsud, Rose and Stewart dissenting).

5. Pecuniary Interest

Nil

6. Condolences

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

Mr Francis Joseph Dwyer	formerly of	Albion Park
Mr Harry Thomas Erskine	formerly of	Albion Park
Mr Mark Martland (Benny) Bennett	of	Albion Park Rail
Mrs Catherine (Cath) Malone	of	Albion Park Rail
Mrs Otilia Rogerio	of	Barrack Heights

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Mrs Gladys May Bateman	of	Lake Illawarra
Mrs Edith Sarah O'Brien (Day)	formerly of	Lake Illawarra
Mrs Beryl Sheppard	of	Lake Illawarra
Mr Laurence (Laurie) Osborne	of	Lake South
Mrs Carmen Attard	of	Mt Warrigal
Mr William John (Bill) Dalton	of	Mt Warrigal
Mr Roger Francis Matthews	of	Mt Warrigal
Mrs Katherina (Kate) Petschy	of	Oak Flats
Mr John (Jack) Cartmill	of	Shellharbour
Mrs Ida Muriel Sayers	of	Shellharbour
Mr Gregorio Mendez	of	Warilla
Mrs Sylvia Roberts	of	Warilla
Mr James (Jim) Trotter	of	Warilla

807 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

Nil

11. Operations & Services Division

11.1 DA 63/2005 - Lot 4074, DP 845173, 15 Panbula Place, Flinders - Infill Development & Torrens Title Subdivision

808 RESOLVED: Bird/Rose

That Council refuse Development Application No. 163/2005 for the infill (dual Occupancy) and Torrens Subdivision at Lot 4074 in DP 845173 under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the reasons immediately following the conclusions of this report.

11.2 DA 741/2002 (Pt 2) Road Naming for Tullimbar Village, off Illawarra Highway, Yellow Rock (8350399)

PUBLIC PARTICIPATION

Paula Turnbull

- Believed Council had agreed to report back to her before list of names completed but this has not taken place
- Names should reflect Bicentenary of Albion Park cross roads and history of area as old dairying town
- Respect should go to older generations of Albion Park eg suggested main street be named Jolliffe Parade after owner of land which was purchased by Council.

In response to a question from Councillor Briggs, the Manager Development Services advised that if the report recommendation is carried then a list of names and a map would be available for the public to view and respond with alternatives if they have them during the Public Exhibition period.

Councillor Rose asked what criteria was used to select these names.

The Manager Development Services advised that the theme was the result of a Council resolution at the 3 November 2004 meeting.

Lawson Fredericks

- Mr Fredericks advised that he would like to reiterate the process which has been undertaken as a result of the Council resolution at the meeting in November when the theme of Illawarra places was adopted.
- At Council's suggestion Miltonbrook placed advertisements in the local media requesting suggestions of names from the public.
- No correspondence was received so they have gone ahead and selected a variety of names which reflect both the European and Aboriginal heritage of the region.
- Hoping in Precinct 2 to continue the theme.

Councillor Rose asked whether the developer would consider names submitted as suggested by Mrs Turnbull.

Mr Fredericks advised that Miltonbrook would certainly consider any submissions from the public and are very much open to suggestions.

In response to a question from Councillor Bird, Mr Fredericks advised that advertisements had been placed in the Lake Times and Advertiser requesting suggestions for street names.

809 RESOLVED: Hawker/Bird

1. That the road names set out on Attachment No. 1 be adopted for public roads to be created in the Tullimbar Village.
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.
3. That Council submit proposed list of names to Local Aboriginal Lands Council for comment

11.3 Princes Highway Drainage Works between Creamery Road and Airport Road, Albion Park Rail (8350557)

810 RESOLVED: Bird/Gillett

1. That Council accept the RTA's offer of \$201,860 funding for drainage on the Princes Highway between Creamery Road and Airport Road.
2. That the budget be amended accordingly.

11.4 Public Education of 40km/h Speed Limit in High Pedestrian Activity Areas (8349804)

811 RESOLVED: Bailey/Jeffreys

That Council accept the additional \$4,000 funding offer from the RTA to implement a public education program for 40km/h high pedestrian activity areas.

11.5 Public Exhibition of Lake Illawarra Floodplain Risk Management Study & Plan (8347830)

812 RESOLVED: Leedham/Hore

That the draft Lake Illawarra Floodplain Risk Management Study and Plan be placed on public exhibition for a period of 28 days from 15 June 2005 to 13 July 2005.

11.6 Secure Parking - Illawarra Regional Airport (8352739)

813 RESOLVED: Hawker/Gillett

1. That the short term parking fee of \$10.00 per day, per vehicle and the long term parking fee of \$30.00 per week that are proposed to be charged for the secure parking at the Illawarra Regional Airport be advertised in the local media for 28 days to allow for submissions from the public.
2. That the fee be incorporated in Council's fees and charges.

11.7 Draft Alfresco Dining DCP (Amendment 2) (8350037)

814 RESOLVED: Briggs/Bailey

That the draft Alfresco Dining DCP (Amendment 2) be publicly exhibited for 28 days to allow for submissions from the public.

11.8 Request for easement over Community Land for drainage purposes (8347972)

815 RESOLVED: Stewart/Jeffreys

1. In accordance with Section 47 of the *Local Government Act 1993*, that Council resolve to forward the details of the submission received by way of objection to the proposal to grant an easement over Community Land, Lot 2 DP 817317, Central Avenue, Oak Flats to the Minister in order to seek Minister's Consent to proceed with the proposal.
2. That Council grant approval to proceed with granting an easement to drain water over Lot 2 DP 817317 Central Avenue, Oak Flats to benefit 35 Pioneer Drive, Oak Flats subject to obtaining Minister's consent.
3. That the General Manager and Mayor be authorised to complete documentation and affix the Seal of Council to documents as necessary, to finalise granting of the proposed easement, subject to obtaining Minister's consent.

11.9 Affixing Council Seal to Plan of Subdivision & 88B Instrument (8354106)

816 RESOLVED: Hawker/Gillett

That Council resolve to affix the Seal of Council to the plan of subdivision and 88B instrument for the 6 lot subdivision within Lot 111 DP 877164 and Lot 2 DP 591298 at the Illawarra Regional Airport.

12. Community Planning & Strategies Division

12.1 Southern Councils Group Minutes (May 2005) (8353713)

817 RESOLVED: Jeffreys/Hore

That the Minutes of the Southern Councils Group Meeting, as attached to this report, be endorsed.

12.2 Affix Seal to Funding Agreement (8353696)

818 RESOLVED: Bird/Bailey

That the Seal of Council be affixed to the Funding Agreement between Council and NSW Department of Community Services for Subsidies for projects funded under the Community Services Grant Program and the Children's Services Program 2005/06.

12.3 Federal Funding for Communities for Children (8353697)

819 RESOLVED: Jeffreys/Gillett

That Council staff continue to work with the local consortium, led by Barnardos South Coast, in their efforts to secure facilitating partner funding.

12.4 Laneway between Wall Street and Trumper Street, Warilla (8353710)

820 RESOLVED: Hore/Leedham

That Council request the relevant officers to consult with local residents by means of a postal survey, and to obtain from the police details of incidents in or adjacent to the laneway reported to them over the last year. Council at a later meeting will consider the information gathered and other relevant factors and determine whether or not closure of the laneway is justified in the circumstances.

12.5 General Controls for Development - Zone 4(a) (the Light Industrial zone) (8353699)

821 RESOLVED: Bird/Gillett

That Council receive and note this report.

CARRIED (Councillors Stewart, Bailey, Mifsud and Rose dissenting)

13. Shell Cove Business Division

Nil

14. Committee Recommendations

Nil

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

17.1 Regional Roads Repair Program 2004/2005 (8348109)

17.2 Roads to Recovery 2005/2006 (8350619)

822 RESOLVED: Hawker/Briggs

That the Items for Information be received and noted.

18. Questions without Notice

823 Councillor Stewart requested follow up of questions she asked of the Director Operations & Services at the last meeting.

824 Councillor Leedham attended the “Christening” of Dawes Park Playground. He asked when the Tennis Club will be up and running and when new fencing for the tennis court will be provided.

The Director Operations & Services advised that there is no funding allocated in the present budget. Up to Council to vote to include funds in next budget.

825 Councillor Leedham requested that Maree Bowerman and Michael Smart be thanked for their organisation of the day.

826 Councillor Hore requested that the Dawes Park ladies’ toilets be refurbished

827 Councillor Gillett wished to thank Council on behalf of residents for efforts to keep the pedestrian tunnel under Lake Entrance Road between Shellharbour Square and the TAFE clean.

828 Councillor Gillett asked that Council officers inspect the playground equipment at Dawes Park as there are large gaps in the rungs of the steps up to the floor of the play equipment which could be unsafe.

829 Councillor Rose advised that No Standing signs at Shellharbour foreshore have been removed. He requested Council officers investigate.

830 Councillor Rose asked what is being done with regard to illegal dumping of building waste in Shell Cove estate. Is there any procedure in place. What is the current fine for illegal dumping.

831 Councillor Rose asked why capital works are in the operational budget

The Group Manager Corporate Services advised that the capital works and operations budgets are treated as two separate budgets.

832 Councillor Mifsud asked why budget 05–06 appears to have a reduction in youth services.

833 Councillor Mifsud – requested further action be taken with regard to anti-social behaviour at Shellharbour foreshore.

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The Mayor advised that he will organise a meeting to discuss.

834 Councillor Rose requested Council officers investigate the report that the top of the memorial at Caroline Chisholm Park is missing.

835 Councillor Bailey wished to congratulate the Manager of the Executive Offices for excellent and prompt answers to his recent questions.

836 Councillor Briggs – guest of Bendigo Bank in Oak Flats with other councillors when \$30,000 announced to assist local charities. Request Mayor to elaborate.

837 Councillor Briggs asked when play equipment will be back in Little Lake Park Shellharbour and why it was taken away and not replaced sooner.

The Director Operations & Services advised that equipment is taken away immediately if it is damaged or dangerous and replaced when budgeted funds allow.

The Group Manager Works & Services advised that installation of the equipment is programmed for next week.

838 Councillor Briggs asked whether a city wide review could be conducted with regard to antisocial problems.

839 Councillor Hawker asked whether works in Terry Street presently being undertaken are just road works.

The Group Manager Works and Services advised that Council is currently carrying out kerb and gutter works to address drainage problems.

840 Councillor Hawker thanks for prompt replacement of sign in car park on Tongarra Road.

The Mayor advised that he attended the function put on by Bendigo Bank at Oak Flats Bowling Club where a donation of \$30,000 was announced for charities in the city. Bendigo Bank is hoping to open a branch in Shellharbour. The Mayor encouraged support of the Bank as next year they propose to donate \$80,000 to the local community.

With regard to city security the Mayor advised that meetings are held with the Mayors of Wollongong, Shellharbour and Kiama, local Members of Parliament and the police on a quarterly basis to discuss security, crime and relevant issues. He advised that he believes that it may be something that we can address on a city wide basis and he will contact Wayne Dedden for a meeting and will advise Council on developments.

841 Councillor Stewart noted that Councillor Liaison Officer, Mrs Natty Apolo is leaving Council on Friday. She expressed personal thanks to Mrs Apolo who she said has always been helpful and done a wonderful job with the new councillors always going above and beyond her duty.

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842 RESOLVED: Stewart/Bird

That a vote of thanks be extended to the Councillor Liaison Officer, Mrs Natty Apolo and best wishes be extended to her on her retirement from Council on behalf of all councillors.

A round of applause was given for Mrs Apolo.

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

Meeting closed 8:25 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 28 June 2005

General Manager

Chairperson