

# SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 19 July 2005

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**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 19 July 2005 commencing at 5.15 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 Corporate Planning	P Masterson
Group Manager Organisational Development	B Rose
Manager Development	G Mitchell
Corporate Solicitor – Manager Legal & Property Services	B McCann
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
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

#### Committee of the Whole Council Meeting

An apology was tendered on behalf of Councillor Hawker

896 RESOLVED: Greig/Briggs. 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.

897 RESOLVED: Briggs/Greig

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.

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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).

## CONFIDENTIAL ITEMS

### Reason for Confidentiality for Items 2.1 – 2.7

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.

- 2.1 Tender 4/2005 - Supply & Lay Asphaltic Concrete (8378016)**
- 2.2 Tender 5/2005 - Roads Stabilisation Works (8377540)**
- 2.3 Tender 6/2005 - Supply & Spray Bitumen & Associated Services (8377413)**
- 2.4 Tender 7/2005 - Supply Only & Supply & Deliver Road Pavement Materials (8377589)**
- 2.5 Tender 8/2005 - Supply & Delivery of Readymix Concrete (8377638)**
- 2.6 Tender 9/2005 - Pavement Marking (Line Marking) (8377694)**
- 2.7 Tender 2005/02 - Warilla Community Centre Construction (8363561)**

**Meeting adjourned at 5.16 pm**

**Meeting resumed at 7.15 pm**

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## **Acknowledgement to Country**

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting.

## **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 4/2005 - Supply & Lay Asphaltic Concrete (8378016)**

1. That Council accepts Boral Asphalts tender for the supply & laying of Asphaltic Concrete within Shellharbour City for the period 1 July 2005 to 30 June 2007.
2. That Council accepts Pioneer Road Service's Tender for the supply only component for the period 1 July 2005 to 30 June 2007.

### **2.2 Tender 5/2005 - Roads Stabilisation Works (8377540)**

That Council accept the tender of Works Infrastructure for insitu stabilisation over the period 1 July 2005 to 30 June 2007.

### **2.3 Tender 6/2005 - Supply & Spray Bitumen & Associated Services (8377413)**

That Council accepts Pioneer Road Services tender for the supply and spray of bitumen and associated services for the period 1 July 2005 to 30 June 2007.

### **2.4 Tender 7/2005 - Supply Only & Supply & Deliver Road Pavement Materials (8377589)**

1. That Council accept Cleary Bros tender for the supply only and supply and delivery of DGB 20, DGS 20 and DGS 40, for the period 1 July 2005 to 30 June 2007.
2. That Council accepts SCE Group as a backup supplier of DGB 20, DGS 20 and DGS 40, for the period 1 July 2005 to 30 June 2007.
3. That Council purchase the remainder of the tendered products on a project by project basis.

### **2.5 Tender 8/2005 - Supply & Delivery of Readymix Concrete (8377638)**

That Council accepts Cleary Bros tender for the supply and delivery of Readymix Concrete for the period 1 July 2005 to 30 June 2007.

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## **2.6 Tender 9/2005 - Pavement Marking (Line Marking) (8377694)**

That Council accepts the tender from Wollongong Linemarking Service for Pavement Marking work within Shellharbour City for the period 1 July 2005 to 30 June 2007.

## **2.7 Tender 2005/02 - Warilla Community Centre Construction (8363561)**

1. That Council accepts Manteena Pty Ltd conforming tender to construct the Warilla Community Centre in accordance with the Tender documentation provided, at Benaud Crescent, Warilla for the lump sum total of \$926,000.
2. That the Contract be awarded subject to Council amending its budget in the Open Council meeting.

898 RESOLVED: Briggs / Jeffreys 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 28 June 2005**

899 RESOLVED: Hawker/Briggs That the Minutes of the Ordinary Council Meeting held on 28 June 2005 be confirmed as a correct record of proceedings.

### **4.2 Extraordinary Meeting 29 June 2005**

900 RESOLVED: Hawker/Briggs That the Minutes of the Extraordinary Council Meeting held on 29 June 2005 be confirmed as a correct record of proceedings.

### **4.3 Emergency Extraordinary Meeting 30 June 2005**

Councillor Leedham asked what costs were incurred, both monetary and in man hours, in holding the Emergency Extraordinary Meeting.

The General Manager advised that he would have to take this question on notice.

Councillor Rose asked who was authorised to call Extraordinary Meetings and could the matter addressed at the Emergency Extraordinary Meeting have been dealt with in a different manner.

The General Manager advised that rules regarding calling of extraordinary meetings are outlined in the Code of Meeting Practice and it is the Mayor who is authorised to call Extraordinary Meetings. He advised that he believed the proper procedures were followed. Legal advice was sought to confirm that this was the appropriate course of action under the circumstances and that advice was also confirmed by the Department of Local Government.

901 RESOLVED: Hawker/Briggs That the Minutes of the Extraordinary Council Meeting held on 30 June be confirmed as a correct record of proceedings.

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## 5. Pecuniary Interest

**Councillor Bailey:** Item 2.1 Tender 4/2005 - Supply & Lay Asphaltic Concrete (8378016)

**Nature of Interest:** Councillor Bailey was supported in the previous election by one of the tenderers.

**Councillor Mifsud:** Item 2.7 Tender 2005/02 - Warilla Community Centre Construction (8363561)

**Nature of Interest:** Councillor Mifsud advised that his employer does business with one of the tenderers.

## 6. Condolences

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

Mr John Ernest Barrow	of	Albion Park
Mrs Edith (Betty) Casey	formerly of	Albion Park
Mr Lawrence (Laurie) O'Leary	of	Albion Park
Mr Guenther Prenzel	of	Albion Park
Mrs Lilian Whiddett	of	Albion Park
Mrs Ethel Lorna Goodchild	of	Barrack Heights
Mrs Antonia (Toni) Olaya (nee Martinez)	of	Barrack Point
Mr Gerry Husson	of	Blackbutt
Mrs Joan Kelly	of	Blackbutt
Mr Matthew (Mat) O'Dwyer	of	Dunmore
Mr Arthur Jordan	of	Lake Illawarra South
Mr Enrico (Eric) Versilli	of	Lake South
Mrs Kate (Kittie) Jones	of	Mt Warrigal
Mrs Janet Rosenzweig	of	Mt Warrigal
Mr Leopoldo (Lleo) Tubaro	of	Mt Warrigal
Mr Eric Jewitt	of	Oak Flats
Mr Robert (Bob) O'Reilly	of	Oak Flats
Mrs Maude Vella	of	Oak Flats

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Mrs Bouwina Deen	of	Shellharbour
Mrs Milka Projkoska	of	Shellharbour
Mrs Franciska Horvat	of	Warilla
Mrs Lola Ann Omeley (nee Bush)	of	Warilla
Mr Robert "Tiny" (Bob) Parkinson	of	Warilla
Mr Paddy (Patrick) Stapleton	of	Warilla

The Mayor added that he would also like to mention the atrocity and loss of life in the recent London bombings.

902 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 Options Paper for one Local Government Association in NSW (8381794)

903 RESOLVED: Rose/Bailey

That Council endorse the sentiments outlined in General Manager's report.

### 10.2 Shellharbour City Race Day 2005 Review (8381597)

904 RESOLVED: Bailey/Stewart

That Council receive and note this report.

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## 11. Operations & Services Division

### 11.1 Development Application No. 718/2000 (Pt 2) - Lot 501, DP 791285, 104 Church Street, Albion Park - Amend Development Consent - Increase Number Of Children In Pre-school (8376321)

905 RESOLVED: Rose/Mifsud

That Council refuse Development Application No. 718/2000 (Pt 2) which seeks an amendment to Development Consent No. 718/2000 to permit the number of children to increase from 32 to 34 at Centenary Hill Preschool located at Lot 501, DP 791285, 104 Church Street, Albion Park under Section 96(1) of the *Environmental Planning & Assessment Act, 1979*, as amended for the reasons stated following the conclusion of this report.

CARRIED: 10/3

### 11.2 Development Application No. 531/2004 - Lot 3805, DP 1009645, Being Land off Murray Close, Nepean Place & Burnett Place, Albion Park - Proposed Four Lot Subdivision Comprising Three Residential Lots & One Residue Lot (8378055)

## PUBLIC PARTICIPATION

### Lawson Fredericks

Mr Fredericks advised that he was here to make himself available for questions.

Councillor Hawker FORESHADOWED a MOTION that this matter be deferred for consideration at the next meeting.

906 RESOLVED: Briggs/Greig

That Council approve Development Application No. 531/2004 for a three lot residential subdivision with residue lot at Lot 3805, DP 1009645, off Murray Close and Burnett Place, Albion Park under Section 80 of the *Environmental Planning & Assessment Act, 1979*, subject to the 40 conditions following the conclusion.

CARRIED: 9/4

### 11.3 2005/2006 Regional Roads Block Grant (8379266)

907 RESOLVED: Hawker/Jeffreys

1. That Council accept the RTA's offer of \$163,000 for funding the 2005/2006 Regional Roads Block Grant.



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2. That the RTA's grant offer of \$41,000 for the Ex 3 x 3 Program be used to accelerate works on Council's Regional Road, Terry Street, Albion Park.
3. That authority be given to execute all necessary documents, including use of the Council Seal as required, in relation to this grant.
4. That Council's budget be amended accordingly.

## **11.4 Lake Entrance Road Cycleway - The Kingsway to Shellharbour Road (8380573)**

908 RESOLVED: Leedham/Bailey

1. To accept the RTA funding offer of 50% of the project up to \$95,000.
2. That \$95,000 be allocated for the construction of this cycleway. In Ward D, \$72,304 from Traffic Facilities and \$5,000 from Grant Matching Funds. In Ward C \$17,696 from Traffic Facilities.
3. To amend the budget accordingly

## **11.5 Local Government Road Safety Officer Program - Project Funding 2005/2006 (8379485)**

909 RESOLVED: Hawker/Jeffreys

1. Council accepts Local Government Road Safety Officer Program Project Funding 2005/2006 of \$35,000 from the RTA and the IPWEA to plan, develop and implement road safety initiatives throughout the city of Shellharbour.
2. That the budget be amended accordingly.

## **11.6 Stores LTA Stocktake (8378179)**

910 RESOLVED: Hawker/Leedham

That the appropriate journal entries be prepared to record in the Stores LTA Ledger and General Ledgers the write-off of stock to the value of \$580.67.

## **11.7 Stores & Materials Stocktake (8378160)**

911 RESOLVED: Leedham/Hawker

That the appropriate journal entries be prepared to record in the Stores & Materials Ledger and the General Ledgers the net write-off of stock of \$99.75.

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## **11.8 Renewal of licence agreement with Oak Flats Senior Citizens Club Inc (8379422)**

912 RESOLVED: Gillett/Stewart

1. That Council renew the licence agreement with Oak Flats Senior Citizens Club Inc for the occupation of 43-45 Griffiths Street, Oak Flats for a term of five (5) years at a licence fee of \$1.00, per annum with terms and conditions in accordance with the existing licence.
2. That the Seal of Council be affixed to the licence agreement with Oak Flats Senior Citizens Club Inc for the occupation of 43-45 Griffiths Street, Oak Flats.

## **11.9 Acquisition of easement over Community Land - Lot 2549 DP 848979 Abercrombie Crescent, Albion Park (8379708)**

### **PUBLIC PARTICIPATION**

#### **Lawson Fredericks**

Mr Fredericks advised that he was available to answer questions.

913 RESOLVED: Hawker/Briggs

1. That Council advise Sydney Water that they may commence works to lay a 375mm watermain across Lot 2549 DP 848979 Abercrombie Crescent, Albion Park and proceed with the acquisition of a 5 metre easement for a compensation amount of \$5,000.00.
2. That Sydney Water be advised that they must restore any damage to Council property associated with the creation of the easement.
3. That recommendations 1, 2 and 3 as outlined in Kevin Mills and Associates report be adhered to.
4. That the Seal of Council be affixed on all necessary documents required for the creation of the easement.

## **12. Community Planning & Strategies Division**

### **12.1 Call for nominations for the LG&SA for the Ageing and Disability Reference Group (8381625)**

914 RESOLVED: Bird/Gillett

1. That Council receive and note this report.
2. That any interested councillors make application in writing to the Local Government & Shires Association.

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## **12.2 Call for nominations for the LG&SA Social Issues Reference Group (8381626)**

915 RESOLVED: Bailey/Briggs

1. That Council receive and note this report.
2. That any interested councillors make application in writing to the Local Government & Shires Association.

## **12.3 Area Assistance Scheme Funding (8381627)**

916 RESOLVED: Bird/Hawker

1. That Council accepts the grant of \$32,417.00 from Area Assistance Scheme for the Looking Back Moving Forward Project.
2. That the budget be adjusted accordingly.

## **12.4 Additional Funding HACC - Social Support & Community Transport (8381628)**

917 RESOLVED: Gillett/Stewart

1. That Council resolve to affix the Seal of Council to Funding Agreements from the Department Ageing, Disability and Home Care and the Ministry of Transport for HACC recurrent and non recurrent funds.
2. The budget be amended to reflect this additional funding.

## **12.5 Warilla Out of Hours Youth Service Additional Funding (8381629)**

918 RESOLVED: Leedham/Jeffreys

1. That Council accept additional funding of \$47,000 from NSW Department of Community Services for Warilla Out of Hours Youth Service Project.
2. That the budget be adjusted to reflect this additional funding.

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## 12.6 Allocation of Additional Funds - Warilla Neighbourhood Centre (8381630)

### PUBLIC PARTICIPATION

Michael Talbot

- Representing members Warilla Neighbourhood Centre Committee
- Group of people from Warilla Neighbourhood Centre here tonight to support the additional funds for the neighbourhood centre.
- In full agreement with conclusions in report.
- Would like to see start as soon as possible
- Warilla a depressed area – will help get pride back in the area
- Neighbourhood centre will help area to help itself
- Many groups will make good use of centre

919 RESOLVED: Hore/Leedham

1. That Council allocate an additional \$310,870 to the construction of the Warilla Neighbourhood Centre.
2. That Council approach the NSW Department of Community Services – Communities Division for \$80,000 in additional funding towards the construction of the Warilla Neighbourhood Centre.
3. That should the \$80,000 in additional funding not be available from the NSW Department of Community Services – Communities Division, the shortfall be funded from Council's S94 Internal restricted asset.
4. That the budget be amended accordingly.

CARRIED UNANIMOUSLY

## 12.7 Repealing Redundant DCPs (8381631)

920 RESOLVED: Gillett/Hawker

1. That a notice be placed in the Lake Times notifying Council's intention to repeal the following DCPs:
  - Ash Avenue site DCP
  - Former Albion Park School DCP
  - Lakeview Estate (site 7200), Flinders DCP
2. That a notice be placed in the Lake Times after 1 October 2005 notifying Council's intention to repeal the Energy Smart Homes DCP.
3. The reason for repealing these DCPs is that they are no longer relevant as the sites have been fully developed and/or they have been superseded by new policies.

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## 13. Shell Cove Business Division

Nil

## 14. Committee Recommendations

### 14.1 Recommendations from the Shellharbour Traffic Committee Meeting held 6 July 2005 recommended for adoption.

921 RESOLVED: Greig/Gillett

That the Recommendations from the Traffic Committee Meeting held 6 July 2005 be adopted.

## 15. Notices of Rescission Motion

Nil

## 16. Notices of Motion

Nil

## 17. Items for Information

17.1 National Respite for Carers Funding (8381632)

17.2 National Community Crime Prevention Funding (8381633)

17.3 Report of Local Government Remuneration Tribunal (8379678)

17.4 Investments (8380316)

922 RESOLVED: Hawker/Briggs

That the Items for Information be received and noted

## 18. Questions without Notice

923 **Councillor Bird** advised that the car park at the Shallows is almost inaccessible at the moment due to damage from recent heavy rains and asked that urgent maintenance work be carried out.

924 **Councillor Bird** advised that gravel has washed down Cassia Street after the recent heavy rain causing a hazard on the road and asked for the street to be cleaned up.

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**925 Councillor Rose** advised that sediment controls at the Tullimbar development have not prevented sediment running into the rivulet and then into Lake Illawarra after the recent heavy rains. He stated that filtration ponds are being pumped into the creek.

He requested advice on what Council is going to do to prevent future problems.

**926 Councillor Rose** advised that Shellharbour Foreshore gates are remaining open after 10.00 pm.

**927 Councillor Rose** asked if there was a hold up on finalisation of the Shellharbour Village and foreshore safety audit.

The Mayor advised that he is following up this matter.

**928 Councillor Mifsud** expressed concern that funding for drainage works John Street Shellharbour have been lost due to budget constraints. He stated that Council could be held responsible for property damage if flooding occurs in John Street which may be more costly than drainage works.

**929 Councillor Briggs** asked if it is possible to provide financial assistance with regard to rates for self-funded retirees.

The Director Community Planning & Strategies advised that this matter was being discussed and pursued at Southern Council Group meetings The Southern Councils Group will be putting recommendations to the Local Government conference. Some aspects may need to go back to Federal Government as well as State Government.

**930 Councillor Hawker** advised that he has received complaints from residents with regard to difficulties experienced by older people in navigating the public transport system when travelling from Albion Park to Wollongong and with respect to a reduction in transport services. He asked if there is anything Council can do to assist in this situation.

**931 Councillor Hawker** advised that there are street lights in Ashburton Drive and Terry Street which are not working.

**932 Councillor Mifsud** stated that another life was lost on the Princes Highway on the weekend. He stated that he will continue to put pressure on local Members to push for improvements to the highway.

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

Nil

**Meeting closed 8.22 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 9 August 2005

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General Manager

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Chairperson