

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 21 March 2006 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 Corporate Planning	P Masterson
Group Manager Organisational Development	B Rose
Acting Group Manager Planning Services	I Rankine
Corporate Solicitor – Manager Legal & Property Services	B McCann
Manager Financial Services	P Henderson
Manager Development Services	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
Corporate Meetings Officer	J Larsen

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

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 28 February 2006

97 RESOLVED: Briggs/Rose That the Minutes of the Ordinary Council Meeting held on 28 February 2006 be confirmed as a correct record of proceedings.

5. Pecuniary Interest

Councillor Briggs: Item 11.7 DA No.435/2005 – Lot 235, DP 236194, 144 Shellharbour Road, Warilla – Partial Demolition of the Warilla RSL Sub Branch Building & Construction of a Bulky Goods Retail Facility with Car Parking and Associated Landscaping (8513139)

Nature of Interest: Councillor Briggs is a trustee of Warilla RSL.

Councillor Bailey: Item 11.7 DA No.435/2005 – Lot 235, DP 236194, 144 Shellharbour Road, Warilla – Partial Demolition of the Warilla RSL Sub Branch Building & Construction of a Bulky Goods Retail Facility with Car Parking and Associated Landscaping (8513139)

Nature of Interest: Councillor Bailey was supported in a previous election campaign by the applicant.

Councillor Greig: Item 11.1 DA No.886/2003 – Lot 8, DP 1029943, 4 Minga Avenue, Shellharbour City Centre – Section 82A Review of the Refusal of Mixed Use Development (8504563)

Nature of Interest: Councillor Greig is a property owner in the vicinity of the development.

Councillor Greig: Item 12.2 Proposed Alcohol-free Zone in City Centre (8512099)

Nature of Interest: Councillor Greig is a property owner in the vicinity of the development.

6. Condolences

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

William John Thomson	formerly of	Albion Park
Dallas William Bishop	of	Albion Park Rail
Rose Crompton	of	Albion Park Rail
Noel William Abnett	of	Barrack Heights
Ramon (Sarge) Le Fevre	of	Barrack Heights
Sunny (Santo Marco) Pantaloni	formerly of	Barrack Heights
Jan Tweedale	of	Flinders
Kevin James	of	Oak Flats
Verline Paterson	of	Oak Flats
Irene Sly	formerly of	Oak Flats
Kenneth Sparks	of	Shellharbour
Freda (Peg) Sherman	of	Shellharbour
Harri Boje	of	Warilla
Mile (Mico) Bojlevski	of	Warilla
James (Doc, Jimmy) Docherty	of	Warilla
Louise Helen (Nellie) Hopkins	of	Warilla
Ronda Francis Strickland	of	Warilla
Jean Isobel Wilesmith	formerly of	Warilla

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

7. Presentations

Attendance by Mr Jim Field of Warilla Surf Lifesaving Club with amphibious wheelchair donated to Council by the South Coast Branch of the Disabled Surfers Association for use by Warilla Surf Lifesaving Club

Note: Mr Field was not in attendance.

8. Mayoral Minutes

Nil

9. Councillors' Reports

Nil

10. General Manager's Office

10.1 Budget Review Special Report (8514842)

99 RESOLVED: Rose/Hawker

That this report be received and noted.

10.2 Proposed amendment to Public Participation rules for Public Forum prior to Council Meeting on 27 March 2006 (8515010)

100 RESOLVED: Hawker/Greig

That Council's Public Participation rules be amended to allow as many speakers "for" and "against" the recommendation(s), as can be accommodated within the period between 4.00pm and 6.00pm allocated for the Public Forum before the meeting to be held on March 27th 2006 only, prior to consideration of public exhibition of Council's 2006/2007 draft management plan and budget.

11. Operations & Services Division

11.1 DA No. 886/2003 - Lot 8, DP 1029943, 4 Minga Avenue, Shellharbour City Centre - Section 82A Review of the Refusal of Mixed Use Development (8504563)

Note: Councillor Greig declared an interest in Item 11.1 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.
Greig left chamber

The Mayor advised that he had received a request from the applicant to withdraw this item in order for further negotiations to be undertaken with Council Staff.

101 RESOLVED: Briggs/Rose

That this item be withdrawn from the agenda for tonight's meeting to allow further negotiation between the applicant and Council staff.

Councillor Greig here returned to the Chamber.

11.2 DA No. 85/2004 - Lot 372, DP 833729, Yellow Rock Road, Yellow Rock - Application to Delete Consent Condition No. 9 of Land Use Approval (8506005)

102 RESOLVED: Jeffreys/Briggs

That the application lodged under the provisions of Section 96 of the *Environmental Planning & Assessment Act, 1979*, seeking to remove Condition No. 9 from Development Consent No. 85/2004 for a Land Use Approval for a 30m x 15m Rural shed, bitumen & concrete parking and access area and concrete materials storage bays at Lot 372, DP 833729, Yellow Rock Road, Yellow Rock be refused for the following reasons:

1. The condition should not be deleted as it seeks to ensure that the visual impacts of the development are minimised, primarily the visual impact on views from public areas including public roads.
2. The condition should not be deleted as it seeks to reduce the size of the building enclosure which is such that it impacts on the natural and built environment of the rural character of the immediate locality.
3. The deletion of the condition would not be in the public interest for the reasons listed above.

11.3 DA No. 3/2006 - Lots 2 & 5, DP 218551, Junction Road, Shellharbour - Use of Land for Parachute Landing (8511359)

103 RESOLVED: Briggs/Hawker

That Council support the DA in principle but defer this item in order for Council Officers to negotiate a more acceptable landing site and liaise with all councillors regarding a preferred site before resubmitting the DA back to Council.

11.4 DA No. 393/2005 - Lot 1, DP 216377, 3 Surf Road, Shellharbour - Demolition of Existing Dwelling and Associated Structures, Construction of Six Dwellings with Garages & Torrens Subdivision (8512080)

MOTION: Mifsud/Bird

That the DA be refused due to safety issues relating to the inadequate turning bay catering for waste services vehicles, lack of visitor parking, departure from the DCP for floor space ratio, loss of amenity for nearby residents and concern with regard to removal of Norfolk Island Pine trees.

Councillor Jeffreys requested advice on what criteria determines whether a tree should be retained.

The Mayor advised that Council staff would take this question on notice.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 21 March 2006

104 The MOTION on being PUT to the Meeting was CARRIED 12/1 (Councillor Greig dissenting)

11.5 DA No. 550/2005 - Lot 2, DP 736092, 45 The Expressway, Albion Park - Proposed Dual Occupancy (8512510)

105 RESOLVED: Hawker/Greig

That the Council seek, in accordance with the provisions of Section 116C of the *Environmental Planning & Assessment Act, 1979*, as amended, the concurrence of the Minister for Planning to refuse Development Application No. 550/2005 to construct a dual occupancy at Lot 2, DP 736092, 45 The Expressway, Albion Park and following receipt of the Minister's concurrence, the application be refused, under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, for the reasons stated following the conclusion of this report.

11.6 DA No. 853/2002 - Road Naming For Whistlers Run Estate, off Esperance Drive, Albion Park (8513106)

106 RESOLVED: Hawker/Bailey

1. That the following road names be adopted for public roads to be created in the Whistlers run estate at Albion Park.

Road No. 2	Waterford Terrace
Road No. 3	Bower Place
Road No. 4	Whistlers Run
Road No. 6	Valley View Crescent
Road No. 7	Red Gum Road
Road No. 8	Whipbird Place
Road No. 9	Headwater Place

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 Regulation 2000*
- c. in the event that submissions are received, the matter be reported back to the Council.

11.7 DA No. 435/2005 - Lot 235, DP 236194, 144 Shellharbour Road, Warilla - Partial Demolition of the Warilla RSL Sub Branch Building & Construction of a Bulky Goods Retail Facility with Car Parking and Associated Landscaping (8513139)

Note: Councillor Bailey 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.

Note: Councillor Briggs 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.

107 RESOLVED: Rose/Leedham

That the Council approve Development Application No. 435/2005 to demolish an existing building and construction a new bulky goods retail building with associated car parking, landscaping and allow for the relocation of the war cenotaph at Lot 235, DP 236194, Shellharbour Road, Warilla under Section 80 of the *Environmental Planning & Assessment Act, 1979* as amended, subject to the 64 conditions following the conclusion of this report.

CARRIED (Councillor Gillett dissenting)

Councillor Briggs and Councillor Bailey here returned to the Chamber.

11.8 DA No. 841/2004 - Lot 4 & Part Lot 5, DP 3709 and Lot 1, DP 253007, Dunsters Lane, Croom - Proposed Consolidation and Redefinition of Existing Lot Boundaries (8512509)

The Mayor advised that he had received a fax from a Senior Counsel representing Cleary Bros at 4.35pm this afternoon. As this was received after the cut-off time for submissions to Council the Mayor ruled that it not be allowed.

Councillor Hawker asked the Manager Development Services what he would recommend if the Development Application came in today.

Councillor Gillett MOVED a POINT of ORDER that the question is not relevant.

The Mayor ruled in favour of the POINT of ORDER but said the answer is in the report.

Councillor Briggs indicated that he would be lodging a Notice of Rescission if the recommendation was carried.

108 RESOLVED: Bird/Rose

That the Council approve Development Application No. 841/2004 for the consolidation and boundary redefinition of Lot 4 and Part Lot 5, DP 3709 and Lot 1, DP 253007, Dunsters Lane, Croom, under Section 80 of the *Environmental Planning & Assessment*

Act, 1979, as amended, subject to the 11 conditions following the conclusions in this report.

CARRIED 10/3 (Councillor Briggs, Hawker and the Mayor dissenting)

11.9 Macquarie Shores Cycleway - Construction of a Shared Pathway/Cycleway at Koono Bay, Albion Park Rail (8513325)

109 RESOLVED: Leedham/Hore

1. That the REF be placed on public exhibition when complete.
2. That a future report be provided to the Council outlining the results of submissions received in response to the public exhibition of the REF.

11.10 Creation of Shellharbour City Council's Stormwater Policy (8513936)

110 RESOLVED: Bailey/Jeffreys

1. To approve the creation of a Stormwater Policy
2. To place the Draft Stormwater Policy on public exhibition for 28 days

11.11 Draft Local Companion Animal Management Plan 2005 - 2010 (8513176)

In reply to a comment from Councillor Stewart the General Manager said that the initiatives outlined in the Draft Local Companion Animal Management Plan would be included in the Council Management Plan and therefore subject to review quarterly.

111 RESOLVED: Hawker/Greig

That the Council resolve to adopt the Draft *Local Companion Animal Management Plan 2005 - 2010*.

112 RESOLVED: Mifsud/Hawker That the meeting recess for 5 minutes.

Meeting adjourned at 8.10 pm

Meeting resumed at 8.15 pm

11.12 Application of Council Seal to Funding Agreement (8513153)

113 RESOLVED: Briggs/Bailey

That Council resolve to affix the Seal of Council to the Funding agreement between the Commonwealth of Australia as represented by the Department of Industry, Tourism and Resources and Shellharbour City Council, in relation to funding for Council's eDA project under the RRIF programme.

11.13 Requests for Donation (8512420)

114 RESOLVED: Stewart/Hawker

That Council resolve to donate the following contributions totalling \$2,900.00:

1. Australian Sea Bird Rescue South Coast
2. Lake Illawarra PCYC
3. Rotary Youth Driver Awareness
4. St Vincent De Paul – Albion Park Conference
5. WIRES

11.14 Contribution towards Independent Inquiry into Financial sustainability of NSW Local Government (8514072)

115 RESOLVED: Jeffreys/Hawker

That Council pay the \$2,312.20 contribution towards the cost of this report as invoiced.

12. Community Planning & Strategies Division

12.1 Affix Seal to Funding Agreement Annexure DoCs (8513892)

116 RESOLVED: Gillett/Jeffreys

That Council resolve to affix the Seal of Council to the Funding Agreement Annexure between Council and NSW DoCs for Families First Transport Brokerage Project.

12.2 Proposed Alcohol-free Zone for City Centre (8512099)

Note: Councillor Greig declared an interest in Item 12.2 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

Councillor Bailey MOVED a POINT of ORDER that Councillor Bird was making assumptions with regard to law and order issues in the city centre.

The Mayor refused the Point of Order and ruled that Councillor Bird is allowed to state an opinion.

117 RESOLVED: Briggs/Bird

That an alcohol-free zone is established for twenty-four hours every day for three years (on the soonest date that can be set, subject to required public consultation) on all public land and car parks in the area detailed in the schedule below, and that appropriate signage is erected at strategic points in the area.

Schedule: the area of the City Centre bound by Lake Entrance Road (to the north), Minga Avenue (to the west), College Avenue (to the east) and Cygnet Avenue (to the south), and the whole of City Park.

Councillor Greig here returned to the Chamber.

12.3 Community Worker - Shell Cove Offer of Funding (8511378)

118 RESOLVED: Rose/Mifsud

1. That Council accept the offer from Australand on behalf of the Shell Cove Project to fund the employment of a Community Development Worker, on a two days per week part time basis, to be based at Shell Cove Community Centre for a period of five years.
2. That this item be included in the 2006/07 budget.

12.4 Allocation of Space Vacated by Warilla Neighbourhood Centre in Council Chambers Building (8512091)

119 RESOLVED: Jeffreys/Bird

That Council call for Expressions of Interest from Community groups and others based in Shellharbour City to occupy, on a short-term month-to-month basis, the space in the Council Chambers building formerly occupied by Warilla Neighbourhood Centre.

12.5 NSW Government's Planning Reforms - Draft Local Environmental Plans (8512374)

120 RESOLVED: Gillett/Leedham

That Council receive and note this report.

13. Shell Cove Business Division

13.1 Shell Cove Project Progress Report to 12 March 2006 (8496013)

121 RESOLVED: Rose/Greig

That this report be received and noted.

14. Committee Recommendations

14.1 Recommendations from the Traffic Committee Meeting held 1 March 2006 recommended for adoption.

122 RESOLVED: Briggs/Rose

That the Recommendations from the Traffic Committee Meeting held 1 March 2006 be adopted.

14.2 Recommendations from the Aboriginal Advisory Committee Meeting held 7 March 2006 recommended for adoption.

123 RESOLVED: Bird/Greig

That the Recommendations from the Aboriginal Advisory Committee Meeting held 7 March 2006 be adopted.

15. Notices of Rescission Motion

15.1 Notice of Rescission Motion submitted by Councillors Bird, Hore and Stewart (8512530)

RESCISSION MOTION: Bird/Hore

That the resolution with regard to Item 11.8 of 28 February 2006 be rescinded.

124 The RESCISSION MOTION on being PUT to the Meeting was LOST 5/8

16. Notices of Motion

16.1 Notice of Motion submitted by Councillor Jeff Bailey (8512495)

Councillor Bird left the chamber at 8.40pm
Councillor Bird returned to the chamber at 8.43 pm

Councillor Jeffreys MOVED an amendment to the MOTION

“That Councillors be permitted to have public forums in their own wards with their own residents at a time that suits if they choose to. Further that part (b) be adopted”.

The amended Motion lapsed for want of a seconder.

125 The NOTICE OF MOTION on being PUT to the Meeting was LOST 3/10.

17. Items for Information

17.1 Events & Activities - April/May 2006 (8513826)

17.2 Clean Up Australia Day 2006 (8513147)

17.3 Investments (8514907)

126 RESOLVED: Hawker/Greig

That Council receive and note the Items for Information.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 21 March 2006

18. Questions without Notice

- 127 Councillor Stewart** – asked whether Mr Spicer, who was appointed to the Illawarra Regional Airport Operations Working Party actually lives outside the exclusion zone.

The Director Operations & Services advised that he will investigate this.

- 128 Councillor Gillett** advised that she had attended the Focus on Harmony art exhibition and that one problem noted by the organisers was that paintings were hung with stickers still attached to them. She passed on a request that the Council staff who hang the paintings in the future make sure that the stickers are removed before paintings are hung.

- 129 Councillor Bailey** requested a “report card” on the attendance of councillor delegates to outside committees and organisations.

- 130 Councillor Hawker** advised that street lights opposite Mt Terry Primary School are still out and requested that this be investigated.

- 131 Councillor Greig** advised that she attended Harmony Day activities last Saturday and that the event was well run. She said it would have been nice to see a few more councillors there.

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

Meeting closed 9.05 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 11 April 2006

General Manager

Chairperson