

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 11 April 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 Works & Services	C Watt
Group Manager Customer & Env. Services	G Standen
Group Manager Development & Tech Services	M Boenisch
Group Manager Corporate Planning	P Masterson
Acting Group Manager Planning Services	I Rankine
Corporate Solicitor – Manager Legal & Property Services	B McCann
Manager Development Services	G Mitchell
Public Relations Coordinator	A Baltovska
Corporate Meetings Officer	J Larsen

The Mayor requested that the presentation be permitted before the official opening of the meeting.

## **7. Presentations**

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

Mr Bradley explained the use and benefits of the wheelchair for disabled people to the meeting.

The Mayor thanked Mr Bradley and Mr Field for their attendance and the donation of the amphibious wheelchair.

## **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".

### **1. Apologies / Leave of Absence**

#### **Ordinary Council Meeting**

Nil

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

Nil

### **3. Recommendations from Committee of the Whole**

Nil

### **4. Confirmation of Minutes**

#### **4.1 Ordinary Meeting 21 March 2006**

Councillor Stewart requested that her vote against Item 11.3 be recorded.

Councillor Jeffreys stated that her question to council officers relating to Item 11.4 was "what constitutes a tree of significance?"

Councillor Bailey requested that his vote against Item 11.2 be recorded.

Councillor Bailey stated that he had concerns regarding an incident when Item 16.1 was being debated.

The Mayor ruled that this was not a matter relating to confirmation of the Minutes

142 RESOLVED: Briggs/Greig That the Minutes of the Ordinary Council Meeting held on 21 March 2006 be confirmed as a correct record of proceedings.

CARRIED (Councillors Rose, Mifsud and Bailey dissenting).

#### **4.2 Extraordinary Meeting 27 March 2006**

Councillor Mifsud expressed concern that all comments were not recorded in the Minutes.

The Mayor advised that the Minutes are not intended to be Hansard.

143 RESOLVED: Briggs/Greig That the Minutes of the Extraordinary Council Meeting held on 27 March 2006 be confirmed as a correct record of proceedings.

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

#### **4.3 Extraordinary Meeting 29 March 2006**

144 RESOLVED: Gillett/Greig That the Minutes of the Extraordinary Council Meeting held on 29 March 2006 be confirmed as a correct record of proceedings.

#### **4.4 Extraordinary Meeting (in Committee of the Whole) 29 March 2006**

145 RESOLVED: Gillett/Greig That the Minutes of the Extraordinary Council Meeting (in Committee of the Whole) held on 29 March 2006 be confirmed as a correct record of proceedings.

### **5. Pecuniary Interest**

**Councillor Greig:** Item 11.2 DA No. 638/2003 (Pt 2) – Lot 1063, DP 1052706, 6 Albatross Drive, Blackbutt – Application to Amend Development Consent No. 638/2003 (8524303)

**Nature of Interest:** Councillor Greig owns a property close by.

**Councillor Gillett:** Item 11.3 Footpath – Grove Circuit, Lake Illawarra (8525046)

**Nature of Interest:** Councillor Gillett has a relative who owns a villa in the vicinity of the Development.

## **6. Condolences**

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

Iris Lawson	of	Albion Park
Alan Waters	of	Albion Park
Brian Ernest George Anderson	formerly of	Albion Park
William (Bill) Hastie	of	Albion Park Rail
Patricia Myler	of	Albion Park Rail
Louisa Rose Wood	of	Albion Park Rail
Kevin William Walker	formerly of	Barrack Heights
Jean Alaban	of	Lake Illawarra
Pauline Mary Burnes	of	Lake Illawarra
Eric James South	of	Lake Illawarra
Thelma Mavis Simpson	of	Mount Warrigal
Judith Keedle	of	Oak Flats
Barry Lockwood	formerly of	Shellharbour
Andrew John (Muff) Maffulo	of	Shellharbour
Elizabeth (Beth) Riddington	of	Shellharbour
Patricia Mary Spargo	of	Shellharbour
Merv Elwell	of	Shell Cove
Daphne Wainwright	of	Warilla
Margaret Elizabeth Ward	of	Warilla

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

## **7. Presentations**

This item was dealt with first on the agenda.

**8. Mayoral Minutes**

**8.1 Civic Reception and Inaugural Key to the City of Shellharbour  
Presentation to Karen Murphy (8528460) - Late Report**

147 RESOLVED: Rose/Mifsud

That the Mayor's and General Manager's actions be endorsed.

**9. Councillors' Reports**

**9.1 Australian Water Summit, Sydney 2006 (8526027)**

148 RESOLVED: Hawker/Leedham

1. That Council receive and note this report.
2. That the General Manager investigate the possibility of sending a council officer to the next Australian Water Summit.

**10. General Manager's Office**

**10.1 Australian Local Government Women's Association Annual  
Conference 4 - 7 May 2006 (8524799)**

149 RESOLVED: Jeffreys/Hore

1. That Council resolve to approve attendance at the 2006 Australian Local Government Women's Association (NSW) (ALGWA) Conference by any interested Councillor.
2. That any Councillors interested in attending the ALGWA Conference advise the author of this report, Ally Klein – Executive Assistant, by Wednesday, 19 April 2006.

**10.2 Shellharbour Links & Shellharbour Links Pty Ltd**

150 RESOLVED: Rose/Leedham

That this matter be deferred until the General Manager's arrival at the meeting.

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

### **11.1 Two Applications to Amend Development Consent No. 912/2002 for a Two Storey Dwelling & Multiple Car Garages (Amendment Nos. 912/2002 [Pts 2 & 3]) - Lot 3, DP 717776, Princes Highway, Dunmore (8510433)**

MOTION: Gillett/Bird

That the Council refuse Development Application No. 912/2002 (Pts 2 & 3) to amend the development consent for a two storey dwelling and multiple car garages at Lot 3, DP 717776, Princes Highway, Dunmore, under Section 96 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the reasons following the conclusion.

Councillor Leedham MOVED a POINT of ORDER that Councillor Gillett's comments were deviating from the subject DA.

The Mayor upheld the Point of Order and requested Councillor Gillett to continue.

Councillor Briggs FORESHADOWED a MOTION

That Council:

1. In accordance with the assumed concurrence of the Director-General of the Department of Planning, vary the 8m height development standard contained in the Rural LEP 2004 pursuant to the provisions of SEPP 1.
2. Approve Development Application No. 912/2002 (Pts 2 & 3) to amend the development consent for a two storey dwelling and multiple car garages at Lot 3, DP 717776, Princes Highway, Dunmore, under Section 96 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the imposition of additional conditions applicable to the amendments.

The MOTION on being PUT to the Meeting was LOST

Councillor Greig seconded the FORESHADOWED MOTION.

151 The FORSHADOWED MOTION on being PUT to the Meeting was CARRIED (Councillors Bird and Gillett dissenting)

### **11.2 DA No. 638/2003 (Pt 2) - Lot 1063, DP 1052706, 6 Albatross Drive, Blackbutt - Application to Amend Development Consent No. 638/2003 (8524303)**

Note: Councillor Greig declared an interest in Item 11.2 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

152 RESOLVED: Briggs/Bird

That the application to amend Development Consent No. 638/2003 for a dwelling at Lot 1063, DP 1052706, 6 Albatross Drive, Blackbutt be refused under the provisions of Section 96 off the *Environmental Planning & Assessment Act, 1979* for the following reasons:

1. The combined total width of the proposed footpath crossings does not comply with Council's *Residential Development Control Plan*.
2. Approval of two driveway crossings on a single residence having a combined width in excess of 6m would likely create an undesirable precedent for other similar variations to Council's *Residential Development Control Plan*.
3. Contrary to the public interest for the reasons listed above.

Councillor Greig here returned to the Chamber.

### **11.3 Footpath - Grove Circuit, Lake Illawarra (8525046)**

Note: Councillor Gillett 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.

153 RESOLVED: Hore/Leedham

1. That the Council allocate \$5,799 from Ward D Works and \$346 from Ward D Parks and Landscaping to construct the footpath.
2. That property owner contributions of \$2,300 be charged in accordance with the *Roads Act 1993* and Council's Fees and Charges.
3. That the Budget be amended accordingly.

Councillor Gillett here returned to the Chamber.

The General Manager arrived at the meeting at 8.10 pm

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

**Meeting adjourned at 8.12 pm**

**Meeting resumed at 8.25 pm**

**10.2 Shellharbour Links & Shellharbour Links Pty Ltd (8528562)**

The Mayor asked the General Manager to address the meeting.

The General Manager outlined the reasons for writing the report and summarised the main points contained in it.

155 RESOLVED: Bird/Hore

That this report be received and noted.

CARRIED UNANIMOUSLY

**11.4 Bush Regeneration and Bank Stabilisation Grant Funding (8524317)**

156 RESOLVED: Stewart/Jeffreys

1. That the Council resolve to accept SRCMA's grant offer of \$15,000 (50%) towards Bush Regeneration and Bank Stabilisation at Oakey and Horsley Creeks, Oak Flats.
2. That Council's \$15,000 (50%) share of funding be provided from Ward B Matching Grant Funds \$6,775 and reallocation of \$8,225 from Oak Flats Streetscape.
3. That the budget be amended accordingly.

**11.5 Lot 1001, DP 880969, Airport Road, Albion Park Rail - Contaminated Land (8523206)**

Note: Councillor Bailey asked to be excused and left the meeting at 8.45 pm

157 RESOLVED: Hawker/Gillett

1. That \$156,431 be allocated from Council's Asset Protection Restricted Asset to meet the cost of urgent environmental remediation works at Lot 1001, DP 880969, Airport Road, Albion Park.
2. The Council endorse the actions by Council officers in carrying out the site remediation works.
3. That Council Staff, including Mr Standen be congratulated on their quick handling of this matter.



**11.6 Swamp Road - Rehabilitation (8523734)**

158 RESOLVED: Gillett/Bird

1. That the Council accept the Roads and Traffic Authority's offer of \$100,000 this financial year as its contribution towards the rehabilitation of Swamp Road, Dunmore.
2. That Council's budget be amended accordingly.

**11.7 Affixing Council Seal to Plan of Subdivision & 88B Instrument (8522571)**

159 RESOLVED: Briggs/Leedham

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

**11.8 Renewal of Licence Agreement with Warilla Senior Citizens Club Inc (8451473)**

160 RESOLVED: Leedham/Hore

1. That Council renew the licence agreement with Warilla Senior Citizens Club Inc for the occupation of part Lots 1 & 2 DP 588826, Benaud Crescent, Warilla 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 Warilla Senior Citizens Club Inc for the occupation of part Lots 1 & 2 DP 588826, Benaud Crescent, Warilla.

**12. Community Planning & Strategies Division**

**12.1 Draft Floodplain Risk Management DCP (Amendment 1) (8524770)**

161 RESOLVED: Briggs/Jeffreys

1. That Council adopt the Draft Floodplain Risk Management Development Control Plan (Amendment 1) as attached.
2. That an advertisement be placed in the Lake Times notifying Council's decision to adopt the Floodplain Risk Management Development Control Plan (Amendment 1).

**12.2 Draft Shell Cove Development Control Plan (Amendment 6)  
(8524774)**

162 RESOLVED: Rose/Briggs

1. That Council adopt the Shell Cove Development Control Plan (Amendment No 6) as attached.
2. That all complying development applications lodged with Council or an Accredited Certifier and all development applications lodged with Council for lots beginning with 81XX or 11XX in stages 8A and 10A be assessed under the Shell Cove DCP (Amendment 6).
3. That all complying development applications lodged with Council or an Accredited Certifier and all development applications lodged with Council for all lots within Stages 1-5 and 7 must nominate compliance with either the Shell Cove DCP (Amendment 5) or the Shell Cove DCP (Amendment 6) for a period of one month after the DCP comes into effect.
4. That all complying development applications (that is, all lots within Stages 1-5, 7, 8A and 10A) lodged with Council or an Accredited Certifier and all development applications (that is, all lots within Stages 1-5, 7, 8A and 10A) lodged with Council after the period of one month after the DCP comes into effect be assessed under the Shell Cove DCP (Amendment 6).
5. That an advertisement be placed in the Lake Times notifying Council's decision to adopt the Shell Cove Development Control Plan (Amendment 6).

**13. Shell Cove Business Division**

Nil

**14. Committee Recommendations**

**14.1 Recommendations from the Traffic Committee Meeting held 5 April 2006 recommended for adoption.**

Councillor Hawker requested that Item 5.5 regarding angle parking on Tongarra Road, Albion Park be taken back to the Traffic Committee for further consideration.

Councillor Greig advised that as chairperson of the Traffic Committee she would take this matter back to the next Traffic Committee meeting for clarification from the RTA and further consideration.

163 RESOLVED: Rose/Greig

That the Recommendations from the Traffic Committee Meeting held 5 April 2006 be adopted with the exception of Item 5.5 which is to be referred back to the Traffic Committee.

**15. Notices of Rescission Motion**

Nil

**16. Notices of Motion**

**16.1 Notice of Motion submitted by Councillor Hore (8526374)**

The Mayor stated that for legal reasons, he could not accept the Notice of Motion.

Councillor Hore withdrew the Notice of Motion.

**17. Items for Information**

**17.1 Cities for Climate Protection Program (8524461)**

**17.2 Opening Times for Oak Flats Heated Pool (8524343)**

**17.3 Items for Information Standard Instrument Local Environmental Plan (8525090)**

164 RESOLVED: Hawker/Gillett

That the Items for Information be received and noted

**18. Questions without Notice**

- 165 Councillor Stewart** asked if her requisition regarding the appointment of the community representative to the Illawarra Regional Airport Operations Working Party had been addressed.

The Director Operations & Services advised that he has provided an answer to this requisition and it should be back to Councillor Stewart shortly.

- 166 Councillor Jeffreys** asked whether Council can consider placing larger ads in the local newspaper. She has received comments from residents that they were not aware of certain issues even though they were advertised.

- 167 Councillor Jeffreys** asked whether a replacement aquarobics instructor for Oak Flats pool is to be engaged.

- 168 Councillor Bird** requested advice on works at Kimbeth Avenue and Princes Highway, Albion Park Rail. He noted that some work has been done however there is a large cassia blocking a drain.

- 169 Councillor Bird** noted that two large street trees have been cut down on Carrabine Street and asked that this be investigated.

- 170 Councillor Gillett** asked whether councillors were aware that the Illawarra Regional Airport Operations Working Party met recently and was very successful.

- 171 Councillor Rose** advised that the street sign at the corner of Wentworth Street and Town Street is missing and asked that it be replaced.

- 172 Councillor Rose** asked whether the installation of street seating for elderly people in Addison Street could be investigated.

- 173 Councillor Rose** asked how works in Mary Street Shellharbour are progressing and whether works at Caroline Chisholm Park will be ready for Anzac Day.

The Group Manager Works & Services advised that works at Caroline Chisholm Park are on track and will be ready for ANZAC Day. He advised that drainage works are presently being undertaken in Mary Street and will take another three weeks to complete.

- 174 Councillor Rose** said he has had complaint about workmen working late outside recommended hours at Hicks Terrace and requested that this be investigated.

**SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 11 April 2006

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- 175 Councillor Mifsud** stated that he had heard that Council has some new staff members coming from Wollongong Council and requested confirmation of this.

The Director Community Planning & Strategies advised that three vacant positions in Planning Services have now been filled. Two of the positions have been filled by staff from Wollongong City Council.

- 176 Councillor Mifsud** requested advice on why the Notice of Motion submitted on 26 March regarding a 10m setback for foreshore developments was not accepted and the best way forward to have this matter addressed.

The General Manager advised that to have the Motion included would have been to go against current advice from the Minister for Planning and was not considered worthwhile. He suggested that Councillor Mifsud request a meeting with council officers to explain the situation more fully and consider ways of having the matter addressed.

- 177 Councillor Hawker** asked whether kerb and guttering will eventually be installed from Daintree Drive to Ashburton Drive on Terry Street Albion Park.

- 178 Councillor Hawker** asked about an old caravan parked in Tongarra Road.

The Director Operations & Services advised that he will investigate.

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

**Meeting closed 9.22 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 2 May 2006

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General Manager

Chairperson