

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 23 May 2006 commencing at 7.15 pm**

Present

| | |
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| 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 |
| Group Manager Organisational Development | B Rose |
| Group Manager Planning Services | G Hoynes |
| 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

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 2 May 2006

210 RESOLVED: Briggs/Gillett That the Minutes of the Ordinary Council Meeting held on 2 May 2006 be confirmed as a correct record of proceedings.

5. Pecuniary Interest

Councillor Hore: Item 11.5 DA No. 663/2005 – Lot 3, DP 603882, 27 Wollongong Street, Shellharbour – Second Storey Dwelling with Double Garage and Strata Subdivision (Dual Occupancy) (8542733)

Nature of Interest: Councillor Hore owns a property near the proposed development.

6. Condolences

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

| | | |
|-------------------------------|-------------|------------------|
| Kenneth Scott Pratt | of | Albion Park |
| Joan Chapman | of | Albion Park Rail |
| James Gerard Patrick McGinley | of | Albion Park Rail |
| Amy Elizabeth Porter | of | Albion Park Rail |
| John (Hammo) Hamilton | of | Blackbutt |
| Allan Wales | of | Blackbutt |
| Rose (Rosie) Yates | of | Flinders |
| Helen Thomson (nee Clement) | of | Lake Illawarra |
| Grahame Thrush | of | Lake Illawarra |
| Timothy Barlow | of | Mount Warrigal |
| Robert (Bob) Simpson | formerly of | Mount Warrigal |
| Marion Bruce | of | Oak Flats |
| Clem Prior | formerly of | Oak Flats |
| Nicetaus (Nick) Wischka | of | Oak Flats |
| Hans Zollmann | of | Oak Flats |
| Svetozar (Dusan) Tripkovic | of | Shell Cove |
| Florence May McLeay | of | Shellharbour |
| Karen Kingdon | of | Warilla |
| Maxwell Keith Murray | of | Warilla |
| Madge Phoenix | of | Warilla |
| William Stanley (Bill) Platts | of | Warilla |
| Euphemia Thorne | of | Warilla |

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

7. Presentations

The General Manager advised the meeting that he and the Director Operations & Services had attended a function last night which was part of The Institute of Public Works Engineering Australia (NSW Division) conference. A number of awards for engineering excellence were given out in 8 categories and he reported that Shellharbour City Council had been awarded the top award in Category 1 – Design and Construction of a Local Government Public Works Project for its upgrade of the Illawarra Regional Airport. He stated that this is a prestigious state-wide award in engineering excellence.

The General Manager presented the award to the Mayor.

The Mayor thanked the General Manager on behalf of the councillors and himself and congratulated the General Manager, Director Operations & Services and staff for this outstanding achievement. He added that the community as a whole is the winner.



The Mayor introduced Mr Geoff Hoynes as the new Group Manager Planning Services and welcomed him to Shellharbour City Council.

8. Mayoral Minutes

Nil

9. Councillors' Reports

9.1 NSW Australian Local Women's Conference – Coonabarabran 4-7 May 2006 (8546426)

212 RESOLVED: Jeffreys/Briggs
That Council review this report.

10. General Manager's Office

10.1 March 2006 Quarter Budget Review (8544509)

213 RESOLVED: Hawker/Greig

1. That Council adopt the March 2006 Quarter Budget Review with all new items as contained in this report. This will result in a revised budget deficit for the year ended 30 June 2006, of \$437,985.
2. That the RTA Grants listed in the new items section of this report be accepted.

**10.2 Management Plan Review for the Quarter Ended 30 March 2006
(8608989)**

214 RESOLVED: Greig/Hawker

That the report be received noted and endorsed.

10.3 Application of Stormwater Management Services Charge (8539740)

MOTION: Hawker/Jeffreys

That Council, under the Local Government (General) Amendment (Stormwater) Regulation 2006, exhibit for the purposes of inclusion in its Draft 2006/09 Management Plan, the intention to levy a stormwater management service charge on all appropriate residential and business land categories.

Further that the charge be introduced as \$15 in 2006/2007 and be increased by \$10 in 2007/2008 year to \$25.00.

Councillor Rose FORESHADOWED a MOTION that this item be deferred until Council knows what rate rise will be implemented.

The General Manager stated that he was concerned with legalities and process for advertising and levying rates if this matter was deferred. The Minister's advice would probably not be received until mid June. There would be some processing details that would need to be addressed.

During the debate the Mayor cautioned councillors to behave and not interject when other councillors were speaking.

Councillor Greig MOVED that the question be PUT

215 The PROCEDURAL MOTION on being PUT to the Meeting was CARRIED

216 The MOTION on being PUT to the Meeting was CARRIED

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

The Mayor cautioned the Councillors to either stop talking and listen to the debate or else leave the Chamber.

The General Manager outlined the programme totalling \$330,000 which would now be placed on public exhibition.

11. Operations & Services Division

11.1 Illawarra Regional Airport Working Party - Community Nominations (8542214)

217 RESOLVED: Hawker/Gillett

That, for the purposes of nomination of the IRA working party, Council determine that the three to five metre variation from advertised boundary criterion on this occasion be regarded as trivial and immaterial and that the appointment of the subject candidate be confirmed, subject to his continued preparedness to serve on the working party.

CARRIED Councillors Bailey, Rose and Stewart dissenting.

11.2 DA No. 427/2005 - Lot 2029, DP 263662, 4 Nalong Place, Oak Flats - Infill Development (Dual Occupancy) and Strata Subdivision (8535299)

218 RESOLVED: Gillett/Bird

That the Council refuse Development Application No. 427/2005 for the Infill (attached dual occupancy) and Strata Subdivision Development at Lot 2029, DP 263662, 4 Nalong Place, Oak Flats under Section 80 of the *Environmental Planning and Assessment Act, 1979*, as amended, subject to the reasons immediately following the conclusions of this report.

CARRIED 1 abstension (Councillor Jeffrey)

11.3 DA No. 48/2006 - Lot 7208, DP 1044382, 9 Norfolk Crescent, Shell Cove - Dwelling With Garage & Retaining Walls - Section 82A Review Request (8538779)

219 RESOLVED: Rose/Mifsud

That the Council determine the review under Section 82A of the *Environmental Planning & Assessment Act, 1979*, as amended by approving Development Application No. 48/2006 for the construction of a two storey dwelling with double garage & retaining walls at Lot 7208, DP 1044382, 9 Norfolk Crescent, Shell Cove under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 38 conditions following the conclusion.

11.4 DA No. 145/2006 - Lot 301, DP 218595, 42 Thomas Street, Lake Illawarra - Land Use Approval Sought for Side Boundary Fence (8539525)

MOTION: Hore/Leedham

That the Council refuse Development Application No. 145/2006 for a Land Use Approval – side boundary fence on the basis that the fence exceeds the 1.8m height limitation set out in the Residential DCP.

Councillor Greig FORESHADOWED a MOTION:

That the Council approve Development Application No. 145/2006 for a Land Use Approval – side boundary fence, under Section 80 of the *Environmental Planning & Assessment Act, 1979* as amended, subject to the seven conditions following the conclusions of this report.

Councillor Bird MOVED that the motion be PUT

220 The PROCEDURAL MOTION on being PUT to the Meeting was CARRIED

(Councillors Stewart and Greig dissenting).

221 The MOTION on being PUT to the Meeting was CARRIED

11.5 DA No. 663/2005 - Lot 3, DP 603882, 27 Wollongong Street, Shellharbour - Second Two Storey Dwelling with Double Garage and Strata Subdivision (Dual Occupancy) (8542733)

MOTION: Rose/Mifsud

That the Council approve Development Application No. 663/2005 for the Infill (detached dual occupancy) and Strata Subdivision development at Lot 3, DP 603882, 27 Wollongong Street, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 50 conditions following the conclusions of this report.

Councillor Briggs FORESHADOWED a MOTION that the application be rejected due to the impacts of visual dominance, privacy and overshadowing.

222 The MOTION on being PUT to the Meeting was CARRIED

11.6 DA No. 258/2005 - Lot 1301, DP 809370, 2 Burdekin Drive, Albion Park - Alterations & Additions to Existing Building for Use as a 28 Place Child Care Centre & Two Shade Structures - Section 82A Review Request (8542083)

223 RESOLVED: Greig/Hawker

That the Council determine the review under Section 82A of the *Environmental Planning & Assessment Act, 1979*, as amended, by approving Development Application No. 258/2005 for the alterations and additions to the existing building for use as a 28 place child care centre and erection of two shade structures at Lot 1301, DP 809370, 2 Burdekin Drive, Albion Park under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 85 conditions following the conclusion.

11.7 DA No. 17/2005 - Lot 1, DP 559507 & Lot A, DP 162686, 43-45 Addison Street, Shellharbour - Demolition of Service Station & Construction of Four Storey Mixed Use Residential/Commercial Building (8543270)

Note: Councillor Hore 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.

The Mayor drew the Councillors' attention to the memo and letter handed to councillors before the meeting regarding this item and advised the meeting that the applicant had requested that this item be withdrawn from tonight's agenda.

MOTION: Greig/Hawker

That this item be deferred to enable Council officers, owners and the architects to confer with regard to compliance to Council's DCP conditions.

Councillor Rose FORESHADOWED a MOTION:

That the Council refuse Development Application No. 17/2005 for the demolition of the service station and the construction of a four storey mixed use residential/commercial building comprising of two commercial/retail units, 14 residential units and car park at Lot 1 DP 559507 and Lot A DP 162686, 43-45 Addison Street, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act 1979*, as amended, for the reasons stated following the conclusion.

Councillors Jeffreys MOVED that the MOTION be PUT

224 The procedural MOTION on being PUT to the Meeting was CARRIED

The MOTION on being PUT to the Meeting was LOST

Councillor Jeffreys seconded the FORESHADOWED MOTION which now became the MOTION.

225 The (FORESHADOWED) MOTION on being PUT to the Meeting was CARRIED

Councillor Hore here returned to the Chamber.

12. Community Planning & Strategies Division

12.1 Laneway Between Kingston and Griffiths Streets, Oak Flats (8542807)

MOTION: Gillett/Jeffreys

That Council publish its intention to close the laneway and invite interested parties to lease parts of it. After the end of the public exhibition period, Council will consider any comments received and the outcomes of discussions with potential lessees before making any further determination on the matter.

Councillor Briggs FORESHADOWED a MOTION that Council decline to propose closure of the laneway.

226 The MOTION on being PUT to the Meeting was LOST

Councillor Mifsud seconded the FORESHADOWED MOTION which now became the MOTION

227 The (FORSHADOWED) MOTION on being PUT to the Meeting was CARRIED
(Councillors Hore and Leedham dissenting).

12.2 Renewal of Alcohol-free Zones (8549140)

MOTION: Rose/Briggs

That Council adopt the recommendation with the amendment that the Alcohol-free Zone area be extended to the beach front reserve and operate for 24 hours per day every day.

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The Director Community Planning & Strategies questioned whether the recommendation could be amended in this way or that it would actually constitute a new proposal.

The General Manager advised that it would be appropriate to allow the Motion and if it is carried and then found to be illegal or inoperable it could be brought back to Council.

Councillor Bird FORESHADOWED a MOTION:

That Council propose to renew the alcohol-free zones detailed below, to become effective – subject to public consultation – from 31 July 2006 and every day thereafter from 6.00 p.m. to 6.00 a.m. for a period of three years. If no objections to this proposal are received within 14 days of the publication in the “Lake Times” of the intention to renew the alcohol-free zones, the zones will come into effect on the above date after a notice published in the newspaper. If the General Manager receives substantive objections or modifications in writing, Council will consider the matter again before taking action.

The areas concerned are:

- Bardsley Park, Wollongong Street, Shellharbour, covering the park, the adjacent roadways and the neighbouring stretch of public reserve adjacent to the beach as far as Surf Road;
- Eric Creary Park, Junction Road, Barrack Point, covering the park, the car park and the adjacent stretch of Junction Road.

During debate the Mayor cautioned Councillors regarding their behaviour due to the level of crossfire and interjection during debate.

The MOTION on being PUT to the Meeting was LOST

Councillor Greig seconded the FORESHADOWED MOTION which became the MOTION.

228 The (FORSHADOWED) MOTION on being PUT to the Meeting was CARRIED

12.3 Proposed Alcohol-free Zone, Boonerah Point Reserve, Mount Warrigal (8549135)

The Mayor cautioned Councillors and requested that they stop talking whilst other councillors were speaking.

229 RESOLVED: Bailey/Jeffreys

That Council:

- a) proposes to designate the Boonerah Point Reserve and the adjacent stretch of Reddall Parade and its road reserve (as marked on the attached map) as an alcohol-free zone (AFZ) every night for three years between the hours of 8.00 p.m. and 8.00 a.m.;
- b) publicises this intention in the “Lake Times”;
- c) in the absence of any substantive objections during the following 14 days, establishes the AFZ with effect from seven days after a subsequent formal notice of designation in the “Lake Times”; and
- d) authorises the erection of appropriate signage in the area.

12.4 Licence Agreement, Oakleigh Park Hall, Warilla (8543260)

Note: Councillor Bird suggested that it would be beneficial for Shellharbour Aboriginal Community Youth Association (SACYA) to come back to a future Council Meeting to give a briefing on what they do.

230 RESOLVED: Jeffreys/Bird

1. That Council enter into a licence agreement for a term of three (3) years with Shellharbour Aboriginal Community Youth Association to occupy part lot 1 DP 180295, Oakleigh Park Hall, Warilla at a licence fee of \$1.00 per annum.
2. That the Seal of Council be affixed to the licence agreement with Shellharbour Aboriginal Community Youth Association for the occupation of part Lot 1 DP 180295, Oakleigh Park Hall, Warilla.

CARRIED UNANIMOUSLY

12.5 Proposed Amendment to Shellharbour Rural LEP (8544719)

231 RESOLVED: Greig/Hawker

1. That Council rescind its resolution (minute number 83) from the Council meeting of 28 February 2006
2. That Council defer taking any action on the proposed amendment to Shellharbour Rural Local Environmental Plan 2004 at Lot 33, DP 614174, 9 Illawarra Highway, Albion Park Rail and incorporate the request into the investigations required in the preparation of the new Principal LEP.
3. Further that the Mayor and Council officers meet with Coates Hire to look at alternative sites.
4. That Council meet with the Minister for Planning with regard to the LEP and the need for employment land in Shellharbour City.

12.6 Environmental Planning & Assessment Act Changes - Development Control Plans (8544728)

232 RESOLVED: Bailey/Hore

That Council receive and note this report.

13. Shell Cove Business Division

13.1 Shell Cove Project Progress Report to 14 May 2006 (8531406)

233 RESOLVED: Stewart/Gillett

That Council receive and note this report.

14. Committee Recommendations

14.1 Recommendations from the Traffic Committee Meeting held 3 May 2006 recommended for adoption.

MOTION: Greig/Briggs

That the Recommendations from the Traffic Committee Meeting held 3 May 2006 be adopted.

Councillor Rose dissented on Item 4.5 relating to non-installation of a give-way sign at the Ragamuffin and Brindabella Drive intersection.

There being no further debate the Mayor gave the Mover approval to speak as mover in reply.

234 The MOTION on being PUT to the Meeting was CARRIED

The Mayor called the meeting back to order as several councillors were interjecting and asking questions despite the Motion having been Put and Item 14.1 thus dealt with.

Councillor Jeffreys requested advice on whether the Traffic Committee's approval of works on Lake Entrance Road, Oak Flats - Item 5.4 of the 3 May 2006 meeting, would negate consultation and alternatives for treatment at this location currently being undertaken by the Ward Councillors and Council Staff as recommended at the Council Meeting 2 May 2006.

Councillor Stewart asked why this item would go before the Traffic Committee when it was primarily about beautification not a safety issue. Councillor Jeffreys agreed with Councillor Stewart.

Councillor Greig stated that she had raised the matter as an urgent late item at the Traffic Committee Meeting.

The Mayor cautioned Councillor Briggs and asked Councillor Briggs to apologise or leave the meeting as he had been interjecting.

Councillor Briggs refused to apologise for interjecting but apologised for speaking when other councillors were speaking.

In response to a question from the General Manager, the Group Manager Development & Technical Services advised that some sort of treatment is warranted at this location and

confirmed that the Development & Technical Services department is currently exploring options in consultation with the Ward Councillors. He advised that it would not be contradictory to resolve to accept the recommendations in the Traffic Committee Minutes.

The General Manager stated that he will follow-up the programming of the Traffic Committee with regard to this matter and address the concerns raised by Councillor Jeffreys and Councillor Stewart.

14.2 Recommendations from the Aboriginal Advisory Committee Meeting held 9 May 2006 recommended for adoption.

235 RESOLVED: Bird/Jeffreys

That the Recommendations from the Aboriginal Advisory Committee Meeting held 9 May 2006 be adopted.

15. Notices of Rescission Motion

15.1 Notice of Rescission Motion submitted by Councillors Bailey, Mifsud and Stewart (8543565)

RESCISSION MOTION: Bailey/Stewart recommendation.

That the decision with regard to Item 14.1 Recommendations from the Economic Development Advisory Committee Meeting held 5 April 2006, of the Ordinary Meeting of Council held on 2 May 2006 be rescinded.

236 The RESCISSION MOTION on being PUT to the Meeting was LOST (4/8) 1 abstention.

16. Notices of Motion

16.1 Notice of Motion submitted by Councillors Rose and Mifsud (8546771)

MOTION: Mifsud / Rose

That the playground equipment at Bardsley Park in Shellharbour, adjacent to Shellharbour Surf Club, be put back in its original position and that any further work on installing equipment cease until this issue is resolved.

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Councillor Briggs MOVED a POINT of ORDER that it is not normal procedure for this sort of issue to be dealt with as a Notice of Motion

The Mayor accepted Councillor Briggs' Point of Order but stated that he would allow the submitted Notice of Motion to proceed at this time.

In moving the Motion Councillor Rose was critical of the lack of consultation with Ward Councillors by the Director Operations & Services and his Division.

237 The MOTION on being PUT to the Meeting was LOST

238 RESOLVED: Bird/Greig

That Council distance itself from the unwarranted and inappropriate attack by an individual councillor on Council staff, especially Mr Webster, in Open Council and move a Motion of support and confidence in Council staff and offer Mr Webster Council's full support.

17. Items for Information

17.1 Outcome of Quality Reporting Process for the Shellharbour / Kiama Dementia Project (8543273)

17.2 Supplementary Roads to Recovery Programme (8546863)

17.3 Bollards & Trees in Median Between Lang Street & Pioneer Drive, Oak Flats (8546618)

17.4 Investments (8547005)

239 RESOLVED: Hawker/Bailey

That the Items for Information be received and noted.

18. Questions without Notice

240 Councillor Stewart asked when the Mayor was going to enforce the Code of Conduct.

The Mayor stated that he is endeavouring to do so.

241 Councillor Jeffreys agreed with Councillor Stewart's comments. She requested that LGSA training for Councillors, especially in meeting procedure be organised as soon as possible.

The General Manager advised that this training had been deferred but it will be pursued and programmed as soon as possible.

242 Councillor Hore requested that a risk assessment of the playground equipment of Bardsley Park regarding its proximity to the road way be carried out.

243 Councillor Rose requested that the roundabouts at Shellharbour Road and Cove Boulevarde be inspected with regard to sight distance and safety.

244 Councillor Rose stated that visibility between Southern Cross Boulevarde and Killalea Drive is poor from every direction and requested that this be investigated.

245 Councillor Rose requested that the school crossing in Addison Street be inspected as visibility at the crossing is poor.

246 Councillor Rose asked when parking bays in Addison Street will be completed.

247 Councillor Rose requested that the appointment of a dedicated parking ranger in Shellharbour Village be investigated.

248 Councillor Mifsud stated that he had requested more seating in Addison Street, Shellharbour and had not yet received a response to his request.

The Group Manager Works & Services advised that Councillor Mifsud's request has been included in the job folder in conjunction with scheduled footpath repairs for Addison Street.

249 Councillor Mifsud commented on speeding traffic through Wollongong Street and requested an investigation by Council into ways of reducing this.

The Mayor stated that incidents of speeding need to be reported to police for enforcement.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 23 May 2006

- 250 Councillor Bailey** congratulated Council staff on the organisation of the memorial service last Sunday for the shipwrecked Cities Service Boston and the Volunteers Night at the City Plaza.
- 251 Councillor Hawker** again requested lighting in Terry Street near Mt Terry school be repaired.
- 252 Councillor Hawker** asked for information on an electricity van located opposite the power station in Tongarra Road and when it is likely to be removed.
- 253 Councillor Greig** asked whether organisations who want to put up signs advertising events have to pay or apply for this to happen and whether they have the responsibility of taking the signs down after the event has occurred.
- 254 Councillor Bailey** asked whether questions without notice can be asked in an anticlockwise direction occasionally.
- 19. Late Items of Business / Urgent Business (as introduced by the Chairperson)**

Meeting closed 10.25 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 13 June 2006

General Manager

Chairperson