

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 13 June 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
C Ward	Councillor J Bailey
D Ward	Councillor J Leedham
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
Group Manager Planning Services	G Hoynes
Corporate Solicitor – Manager Legal & Property Services	B McCann
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

An apology was tendered on behalf of Councillor Briggs, Councillor Jeffreys and Councillor Hore

255 RESOLVED: Hawker/Greig. 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 23 May 2006

256 RESOLVED: Hawker/Gillett That the Minutes of the Ordinary Council Meeting held on 23 May 2006 be confirmed as a correct record of proceedings.

5. Pecuniary Interest

Councillor Greig: Item 12.3 Shellharbour City Centre Precinct Development Strategy – Precinct D (8554250)

Nature of Interest: Councillor Greig owns property in Shellharbour City Centre.

6. Condolences

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

Clifford Wooster	of	Albion Park
Barbara McGuire	of	Albion Park
Reg Mullins	of	Albion Park
May Berk	of	Albion Park Rail
Guiseppe (Joe) Barbetta	formerly of	Barrack Heights
Maria Pasqualone	of	Barrack Heights
Daphne Barnewall	of	Barrack Heights
Dawn Fatches	of	Lake South
Judith Curnow	of	Lake Illawarra
Fred Harrison	of	Lake Illawarra
Sheila Buckman	of	Mount Warrigal
Eugene Lee Olive	of	Mount Warrigal
Evelyn Hall	of	Oak Flats
Thomas Murphy	of	Oak Flats
William (Bill) Corlett	of	Shell Cove
Ruth Lanfear	of	Shellharbour
Bessie McPherson	of	Shellharbour
John Lye	of	Warilla
Maria Gallardo	of	Warilla

257 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 Councillor Training (8556040)

258 RESOLVED: Greig/Hawker

That:

1. Council resolve that the briefing from 5.30pm – 8.30pm on Tuesday June 20 2006 be mandatory for all Councillors, and that attendance at the briefing be communicated to the public and to the Department of Local Government.
2. Council note that the briefing has been specifically tailored to address governance and conduct issues, including Councillors' roles and responsibilities under the Code of Conduct, and the *Local Government Act*, and conduct required at meetings.
3. Council note that Maddocks Lawyers have been engaged to provide the mandatory briefing, and that representatives from the Department of Local Government will also be in attendance.
4. Council reserves the right to formally censure for misbehaviour any Councillor who does not attend the mandatory briefing.

CARRIED UNANIMOUSLY

11. Operations & Services Division

11.1 DA No. 886/2003 - Lot 8, DP 1029943, 3 Minga Avenue, Shellharbour City Centre - Section 82A Review of the Refusal of Mixed Use Development (8552007)

259 RESOLVED: Rose/Mifsud

That the Council determine the application for review under Section 82A of the *Environmental Planning & Assessment Act, 1979*, as amended, by approving Development Application No. 886/2003 for a mixed use development at Lot 8, DP 1029943, 3 Minga Avenue, Shellharbour City Centre, under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 82 conditions immediately following the conclusions of this report.

11.2 DA No. 352/2005 - Lot 4635, DP 1048649, 20 Clermont Crescent, Albion Park - Section 82A Review of the Refusal of a Dwelling (8553460)

260 RESOLVED: Greig/Hawker

That the Council determine the application for review under Section 82A of the *Environmental Planning & Assessment Act, 1979* as amended by approving Development Application No 352/2005 for a two storey dwelling with garage at Lot 4635, DP 1048649, 20 Clermont Crescent, Albion Park under Section 80 of the *Environmental Planning & Assessment Act 1979* as amended subject to the 21 conditions following the conclusion of this report.

11.3 NSW Coastline Cycleway - Barrack Point Shared Use Path (8555687)

261 RESOLVED: Mifsud/Greig

1. That the Council accepts the NSW Department of Planning's offer of \$99,750 for part funding to construct a shared use path from Iluka Road to the headland of Barrack Point.
2. That the Council allocates \$99,750 from Section 94 to match the NSW Department of Planning grant offer.
3. That the budget is amended accordingly.

11.4 Safety Around Schools Projects (8556201)

262 RESOLVED: Bailey/Stewart

1. That the Council accept the offer of \$2,500 or 50% of the project cost for works in the school zone on Hunter Street at Barrack Heights Primary School.
2. That the Council allocate \$2,500 from 'Ward C Traffic Facilities' as its 50% share of funding for works in the school zone at Barrack Heights Primary School on Hunter Street.
3. That the Council accept the offer of \$5,500 or 50% of the project cost for works in the school zone on Hogarth Avenue at Mount Warrigal Primary School.
4. That the Council allocate \$5,500 from 'Ward C Traffic Facilities' as its 50% share of funding for works in the school zone at Mount Warrigal Primary School on Hogarth Avenue.
5. That the budget be amended accordingly.

11.5 Bushfire Management Plans - Blackbutt & Croom Reserves (8555556)

263 RESOLVED: Hawker/Greig

That the Council resolve to adopt the Bushfire Management Plans for Blackbutt and Croom Reserves.

11.6 Natural Watercourse - Simpson Parade, Albion Park (8554891)

264 RESOLVED: Hawker/Greig

That this item be deferred so that further information can be provided.

11.7 Product Stewardship for Oil Transitional Assistance Program - Grant Offer (8555165)

265 RESOLVED: Gillett/Bird

1. That the Council formally accept the Federal Government's grant offer of \$33,000 under the Product Stewardship for Oil Transitional Assistance Program.
2. That the Council endorse the General Manager's actions in executing the grant agreement within the time-frame required under the General conditions of Award under which the grant was offered.
3. That the budget be amended accordingly.

11.8 Requests for Donation (8556446)

266 RESOLVED: Hawker/Gillett

1. That Council resolve to donate the following contributions totalling \$1,300:
 1. Salvation Army Red Shield Appeal
 2. Cancer Patient Support Group
 3. Illawarra Vocational Training Committee
2. That St Vincent De Paul be granted the free tipping of unusable donated goods and waste to the value of \$2,600.
3. That any unused portion of the allocated budget for Fee Reduction in any financial year be carried over for use in the following financial year.

11.9 Amendment of Council's Electoral Ward Boundaries (8537692)

267 RESOLVED: Greig/Bird

1. That Council consult with the Electoral Commissioner under S 210A(1)(a) of the *Local Government Act 1993* (the *Act*) and with the Australian Statistician, to seek their agreement to the proposed ward boundaries outlined on the attached City ward map referred to as "Attachment 1".
2. That on receipt of advice of agreement to proposed boundary alterations by the Electoral Commissioner and the Australian Statistician, Council proceed under S 210(A) of the *Act*, with a public exhibition process to progress the ward boundary changes.
3. That Council determine the names by which the proposed wards will be called, as A – F Wards as indicated on the attached map.

CARRIED UNANIMOUSLY

268 RESOLVED: Greig/Bird

That Council Officers bring back a report to a future council meeting on options for the future makeup of Shellharbour City Council with a view to reducing the number of wards and councillors.

The report should address points such as:

- a. number of wards and councillors
- b. what is the process to enable reduction of the number of wards and councillors
- c. Anticipated timing and duration of the process

CARRIED UNANIMOUSLY

11.10 Access to Information under Section 12 of the Local Government Act - Ms S McKay (8556586)

269 RESOLVED: Bird/Gillett

1. That Council consider this report in accordance with the *Local Government Act 1993*.
2. That the Public Officer's action in restricting access to information as outlined in this report, be endorsed and remain in force.

11.11 Access to Information under Section 12 of the Local Government Act - Dr N Kalokerinos (8547976)

270 RESOLVED: Leedham/Gillett

1. That Council consider this report in accordance with the *Local Government Act 1993*.
2. That the Public Officer's action in restricting access to information as outlined in this report, be endorsed and remain in force.

11.12 Renewal of Lease to G E Finance and Insurance - Shop 135 Lamerton House, Shellharbour City Centre (8556601)

271 RESOLVED: Hawker/Bailey

That Council resolve to affix the Seal of Council to the lease agreement with Avco Financial Service Limited T/A G E Finance and Insurance for the occupation of Shop 135 Lamerton House, Shellharbour City Centre for a period of five (5) years at a rental of \$58,062.90 plus GST per annum with an annual review of CPI or 3% whichever is the greater.

12. Community Planning & Strategies Division

12.1 Southern Councils Group Minutes 5 May 2006 (8556684)

272 RESOLVED: Rose/Greig

That Council endorse the minutes of the Southern Councils Group Meeting held on 5 May 2006, as attached to this report.

12.2 Affix Seal to Funding Agreements (8553331)

273 RESOLVED: Hawker/Bird

1. That Council resolve to affix the Seal of Council 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 2006/07.
2. That Council resolve to affix the Seal of Council to the Service Specifications for the Community Services Grant Program projects for 2006/07.
3. That Council resolve to affix the Seal of Council to the funding agreement between Council and NSW Department of Ageing Disability and Home Care for subsidies for projects funded under the Home and Community Care Program 2006/07.

12.3 Shellharbour City Centre Precinct Development Strategy - Precinct D (8554250)

Note: Councillor Greig declared an interest in Item 12.3 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

274 RESOLVED: Rose/Bailey

That Council endorse the Shellharbour City Centre Precinct Development Strategy for Precinct D.

Councillor Greig here returned to the Chamber.

12.4 Economic Gardening Building Entrepreneurship (8556592)

275 RESOLVED: Rose/Leedham

1. That Council accept grant funding of \$123,000 plus GST from the Department of Industry, Science & Tourism.
2. That the Mayor and General Manager be authorised to execute under seal the Agreement between Council and the Commonwealth of Australia.
3. Further that a letter of thanks be sent to Member for Throsby, Jennie George, Member for Cunningham, Sharon Bird and Senator Connie Fieravanti-Wells for their assistance in supporting the application.

13. Shell Cove Business Division

Nil

14. Committee Recommendations

Nil

15. Notices of Rescission Motion

15.1 Notice of Rescission Motion submitted by Councillors Greig, Hawker and Briggs (8553780)

Councillor Greig advised that she has been advised that the architect has been talking to council officers and the project is moving ahead therefore she and Councillors Hawker and Briggs wished to withdraw the Rescission Motion. Councillor Hawker agreed.

The Mayor acknowledged the withdrawal of the Notice of Rescission Motion.

16. Notices of Motion

Nil

17. Items for Information

17.1 Illawarra Academy of Sport (8555018)

17.2 Inaugural e-Award for Excellence in e-Government (8554770)

276 RESOLVED: Hawker/Greig

That the Items for Information be received and noted.

18. Questions without Notice

277 Councillor Stewart requested that if possible she be provided with regular updates on developments at the pound due to her personal interest in this area and so that she can be informed as residents often contact her about the pound.

278 Councillor Rose advised that garbage bins have been left at the Shallows at Shell Cove and garbage is strewn all over the street. He requested that this be followed up.

279 Councillor Rose requested an update on works at Mary Street, Shellharbour

The Group Manager Works & Services advised that works had been held up to enable further consultation with a resident there. The works will be back on track within a week.

280 Councillor Mifsud attempted to ask a question regarding playground equipment at Bardsley Park.

The Mayor disallowed Councillors Mifsud's question as Council has decided a way forward on this matter on two occasions.

281 Councillor Mifsud asked for an update on his request to investigate the possibility of registered mail to advise nearby residents of DA's coming before Council.

282 Councillors Mifsud asked whether concerns with times of closure and relocating gates at Shellharbour foreshore could be revisited.

283 Councillor Bailey advised that signs advising use restrictions at Hegarty Park Albion Park had been removed a few weeks ago. He asked that they be replaced as this is a young children's playground. He stated that he had received complaints about people conducting ball games and using cricket balls in the park. He asked whether the rules about ball games in the park could be enforced.

The Mayor advised that he is seeking to meet with residents regarding this issue. One of the residents who disagreed with ball games in the park had declined to meet with the Mayor.

284 Councillor Hawker advised that Integral Energy had installed a couple of power poles recently in Albion Park. He asked whether they could be requested to provide advice of future works such as this in advance.

285 The Mayor advised that he has had complaints from disabled people in the city regarding misuse of disabled parking spaces particularly on the weekends when Council Rangers are not on duty. He requested that council rangers be on duty on the weekend to book offenders.

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

Meeting closed 8.28 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 4 July 2006.

General Manager

Chairperson