

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 04 July 2006 commencing at 5.12 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 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
Acting Manager Development Services	G Meredith
Manager Executive Offices	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)

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.

288 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.
- 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

2.1 Land and Environment Court Proceedings 10199 of 2006 - DA 362/2005 - 38 Wollongong Street, Shellharbour (8568736)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(g) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This item has been classified as confidential as Council will be required to consider material subject to legal professional privilege. Public discussion of the subject material would be contrary to the public interest for the reason that it relates to the proposed settlement of litigation to which Council is a party. If Council resolves to settle the litigation on specified terms those terms will be embodied in Consent Orders to be submitted to the Court for approval.

Meeting adjourned at 5.13 pm

Meeting resumed at 7.20 pm

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".

3. Recommendations from Committee of the Whole

289 RESOLVED: Rose/Greig

That Item 11.9 be dealt with here in the agenda as it relates to Item 2.1 from the Committee of the Whole meeting.

The following Recommendation to Council from the Committee of the Whole Council was read to the Meeting by the General Manager.

2.1 & 11.9 Land and Environment Court Proceedings 10199 of 2006 - DA 362/2005 - 38 Wollongong Street, Shellharbour (8568736 & 8567921)

That Council accept the applicant's offer to settle Land and Environment Court proceedings No 10199 of 2006 on the terms and condition specified in correspondence from Council's solicitors, Kells the Lawyers dated 2 May 2006 together with the conditions of consent recommended in the report of the Manager Development Services to Council of 28 February 2006.

290 RESOLVED: Greig/Bird

That the Recommendation to Council from the Committee of the Whole Meeting held earlier today be adopted.

Further, that the Confidential Business Papers be publicly released following completion of Land & Environment Court proceedings.

CARRIED (Councillors Mifsud, Rose and Bailey against. Councillor Stewart abstaining).

291 RESOLVED: Bird/Hore

That Council Officers prepare a report regarding revision of DCPs relating to developments adjoining the coastline and lake foreshore including areas with a public reserve between a possible development and the coastline.

4. Confirmation of Minutes

4.1 Ordinary Meeting 13 June 2006

292 RESOLVED: Gillett/Greig That the Minutes of the Ordinary Council Meeting held on 13 June 2006 be confirmed as a correct record of proceedings with the correction that Minute No.283 read "...that one of the residents who disagreed with signs prohibiting ball games in the park had declined to meet with the Mayor".

4.2 Extraordinary Meeting 15 June 2006

293 RESOLVED: Hawker/Gillett That the Minutes of the Extraordinary Council Meeting held on 15 June 2006 be confirmed as a correct record of proceedings with the correction to page 3 Item No. 4 to show that the recommendations were read to the meeting by the Manager Executive Offices and not the General Manager as shown.

4.3 Extraordinary Meeting (in Committee of the Whole) 15 June 2006

294 RESOLVED: Briggs/Jeffreys That the Minutes of the Extraordinary Council Meeting (in Committee of the Whole) held on 15 June 2006 be confirmed as a correct record of proceedings.

4.4 Extraordinary Meeting 27 June 2006

Note: There was some confusion as to whether the correct Minutes for this meeting had been issued and the General Manager requested that this item be deferred until later in the meeting – see Minute No. 315.

5. Pecuniary Interest

Nil

6. Condolences

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

Evelyn (Jo) Asgill	of	Albion Park
Thomas (Tom) Evans	formerly of	Albion Park
Terence O’Gorman	of	Albion Park
Debbie Thake	of	Albion Park
Olive (Irene) Pearson	formerly of	Albion Park Rail
Daphne Mavis Barnewall	formerly of	Barrack Heights
Betty Ann Johnsen	of	Barrack Heights
Thomas (Tom) Butchart	of	Mount Warrigal
Lucy (Toots) Short	of	Mount Warrigal
Ann Strachan	of	Mount Warrigal
Thomas Raymond Hallam (Tom) Murphy	of	Oak Flats
Edna Mitchell (Brown)	of	Shellharbour
Doreen Francis (Dorrie) Rae	of	Shellharbour
Nathan Thomas Skropeta	formerly of	Shellharbour
Arthur Lyle Hannah	of	Shellharbour
Marjorie Ellen Donnelly	of	Warilla
Dawn Ruth Lever (nee Levy)	formerly of	Warilla
Charles Mackenzie	of	Warilla
Doris May O’Lynn	of	Warilla

Stefan Rewko	of	Warilla
Wayne Pollard	formerly of	Warilla
Linda Pinney	of	Warilla

295 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 15th Annual NSW Coastal Conference - Coffs Harbour (8568479)

Councillor Mifsud requested a copy of the proceedings of the Coastal Conference.

296 RESOLVED: Briggs/Leedham

1. That Council resolve to approve attendance at the 15th Annual NSW Coastal Conference in Coffs Harbour by any interested Councillor.
2. That Council confirm the numbers attending and indicate the names of the individual Councillors to enable bookings to be made as soon as possible.

10.2 Local Government Aboriginal Network Conference Gunnedah 15 - 17 October 2006 (8568825)

297 RESOLVED: Jeffreys/Bird

1. That Council resolve to approve attendance at the NSW Local Government Aboriginal Network Conference in Gunnedah by any interested Councillor.
2. That Council confirm the numbers attending and indicate the names of the individual Councillors to enable bookings to be made as soon as possible.

11. Operations & Services Division

11.1 DA No. 196/2006 - Lot 8047, DP 1019349, 16 Jindabyne Road, Flinders - Section 82A Review of the Refusal of a Dwelling (8564820)

298 RESOLVED: Gillett/Bird

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. 196/2006 for a single storey dwelling with attached garage at Lot 8047, DP 1019349, 16 Jindabyne Road, Flinders under Section 80 of the *Environmental Planning & Assessment Act, 1979* as amended subject to the 23 conditions following the conclusion of this report.

11.2 Elliot Lake Coastal Management Grant Funding (8566214)

299 RESOLVED: Rose/Mifsud

1. That the Council resolve to accept the Department of Natural Resources grant offer of \$75,000 (50%) towards extending the existing rock groyne at Elliot Lake.
2. That the Council resolve to allocate \$11,465 from Elliot Lake Bank Stabilisation and Beautification and \$63,535 from Grant Matching funds as Council's 50% contribution to the project.
3. That the budget be amended accordingly.

11.3 Extension of Loan to Shellharbour Hockey Centre for the Resurfacing of the Hockey Field (8568813)

300 RESOLVED: Hawker/Jeffreys

That Council resolve to provide financial assistance of up to \$35,000 to the Shellharbour Hockey Centre Ltd in the form of a loan. In addition, this intention is to be publicly exhibited for 28 days in accordance with Section 356 of the *Local Government Act, 1993*.

11.4 Tender - Supply of Plant and Equipment (8565623)

301 RESOLVED: Bailey/Hore

1. That the Council accept all tenders for the hire of plant and trucks to Shellharbour City Council for the period 1 July 2006 to 30 June 2008.
2. That the hire of plant and trucks for the next two years be based on the use of the Shellharbour City Council Hired Equipment System 2006-2008.

11.5 Installation of Starting Blocks at Oak Flats 25m Heated Swimming Pool (8550669)

302 RESOLVED: Jeffreys/Briggs

1. That the Council carry out modifications to the pool deck of the 25m heated pool at Oak Flats to accommodate the installation of four removable starting blocks at an estimated cost of \$2,500 on the basis that all the removable starting blocks are to be purchased by the Oak Flats Swimming Club.
2. Further, that this work be funded from the Ward B Sportsfield Improvement Fund and Council's 2006/2007 budget be amended accordingly.

11.6 Installation of Shade Cover Over Toddler's Pool - Albion Park Swimming Pool (8564433)

Councillor Rose asked that the condition of the shade cover at Shellharbour Pool be investigated.

303 RESOLVED: Hawker/Greig

That the Council allocate \$6,000 towards the installation of a shade cover over the toddler's pool at Albion Park Swimming Pool. Further, that this work be funded from the Ward A Sportsfield Improvement Fund and Council's 2006/2007 budget be amended accordingly.

11.7 Affixing of Council Seal to licence agreement with the Minister of Lands (8566361)

304 RESOLVED: Gillett/Bird

That Council resolve to affix the Seal of Council to the licence agreement for the occupation of Crown land below mean high water mark adjoining Lot 7009 DP 1075106 being Shellharbour Reserve.

11.8 Allocation of space in the Warilla Council Chambers building (8567975)

305 RESOLVED: Leedham/Hore

That Council approve to enter into a 3 month Occupation Agreement with Greenacres Workwise for the occupation of part of the Warilla Council Chambers for a rental of \$300.00 per week plus amenities.

11.9 Land and Environment Court Proceedings 10199 of 2006 - DA 362/2005 - 38 Wollongong Street, Shellharbour (8567921)

This item was dealt with earlier in the agenda. See Minute No. 290

11.10 Proposed lease of residence at 152 Croome Road, Croom (8568924)

306 RESOLVED: Hawker/Greig

1. That Council resolve to enter a lease for residential premises with Kevin Galvin and Margaret Galvin with respect to the residence and fenced yard situated on Council's property at 152 Croome Road, Croom for a term not exceeding 52 weeks and at a weekly rental of \$325.00.
2. That Council resolve to affix the Seal of Council to the lease between Shellharbour City Council and Mr Kevin Galvin and Mrs Margaret Galvin for the occupation of the residence and adjoining fenced yard situated at 152 Croome Road, Croom.

12. Community Planning & Strategies Division

12.1 Veteran and Community Grant Men's Shed (8564560)

Councillor Greig advised the meeting that Joe Zhara from Shell Cove and Council's Shell Cove Community Development Worker, Craig Sweeny had received awards from Healthy Cities Illawarra for their work in this project and other local community work.

307 RESOLVED: Rose/Briggs

1. That Council accepts the grant of \$42,734 from the Department of Veterans' Affairs and incorporate this amount into the budget 2006/07.
2. That the General Manager be authorised to execute the funding documents under Seal of Council.
3. That a letter of thanks be forwarded to the project sponsors – Bunnings Warehouse.

12.2 Proposed Alcohol Free Zone (AFZ) at Barrack Point (8564624)

308 RESOLVED: Rose/Gillett

That Council designate the strip of foreshore and adjacent beach between the north boundary of Eric Creary Park and the intersection of Headland Parade and Cliff Avenue as an alcohol free zone between the hours of 6.00 p.m. and 6.00 a.m. each night for three years from a date in the near future (to be announced in the "Lake Times" following public exhibition of the proposal for fourteen days); and to authorise appropriate signage.

12.3 Affix Seal to funding Agreement (8568225)

309 RESOLVED: Bailey/Jeffreys

That Council resolve to affix the Seal of Council to the funding agreement between NSW DoCs and Council for Transition to Teens Project.

12.4 Amendment to Section 94 Contributions Plan 2005 (8565593)

310 RESOLVED: Rose/Briggs

That the draft amendments to Council's *Section 94 Contributions Plan 2005* as outlined in this report be placed on public exhibition for a period of 28 days.

13. Shell Cove Business Division

Nil

14. Committee Recommendations

14.1 Recommendations from the Traffic Committee Meeting held 7 June 2006 recommended for adoption.

311 RESOLVED: Greig/Gillett

That the Recommendations from the Traffic Committee Meeting held 7 June 2006 be adopted.

14.2 Recommendations from the Economic Development Advisory Committee Meeting held 7 June 2006 recommended for adoption.

312 RESOLVED: Greig/Leedham

That the Recommendations from the Economic Development Advisory Committee Meeting held 7 June 2006 be adopted.

14.3 Recommendations from the Disabilities Services Advisory Committee Meeting held 21 June 2006 recommended for adoption.

313 RESOLVED: Jeffreys/Briggs

That the Recommendations from the Disabilities Services Advisory Committee Meeting held 21 June 2006 be adopted.

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

17.1 NAIDOC Week (8568585)

17.2 Illawarra Regional Airport Management Advisory Committee (8568559)

17.3 Investments (8568682)

314 RESOLVED: Hawker/Bird

That the Items for Information be received and noted.

Note: The General Manager advised that he had now been provided with a correct copy of the Minutes of the Extraordinary Meeting 27 June 2006 and requested that Council allow the Minutes to be accepted at this point in the Agenda.

4.4 Extraordinary Meeting 27 June 2006

315 RESOLVED: Gillett/Hawker That the Minutes of the Extraordinary Council Meeting held on 27 June 2006 be confirmed as a correct record of proceedings.

CARRIED (Councillors Rose and Mifsud against).

Councillor Mifsud objected to the fact that his objections to the budget proposal were not recorded in the Minutes.

The General Manager advised that Council has set a policy that they don't want "Hansard" Minutes. He had previously informed Council of this. He stated that these are the parameters being operated under by himself and Council's policy on this matter was borne out by the draft DLG report recently handed down.

18. Questions without Notice

- 316 Councillor Stewart** asked whether Council intends to continue with the Dogs Day Out event which was held last weekend, next year.

The Director Operations & Services stated that the day was very successful and he sees no reason why it should not be continued in the future.

Note: Councillor Hawker asked to be excused from the meeting and left the Chamber.

- 317 Councillor Bird** requested that in view of concerns raised by Councillor Bailey regarding the lease of Oakleigh Park Hall to SACYA that his request to have a representative from SACYA address Council be organised as soon as practicable.

- 318 Councillor Rose** asked for advice on where the Mary Street, Shellharbour works are up to.

The Group Manager Works & Services advised that works have been held up because of rain and will probably resume tomorrow.

- 319 Councillor Rose** raised the issue of installation of underground electricity in Addison Street, Shellharbour and asked that this be investigated.

- 320 Councillor Mifsud** requested an update on his request made at the 13 June 2006 Council Meeting for a report regarding improvements to notification to neighbouring residents of DA's coming before Council.

The Director Operations & Services advised that Council is looking at a wholistic approach to the DA process with aim of improving overall efficiencies. He advised that a report will be prepared as soon as possible.

- 321 Councillor Mifsud** requested that an urgent clean-up of the Shallows at Shell Cove be undertaken as large amounts of rubbish have been dumped there including broken glass which is causing safety concerns.

- 322 Councillor Mifsud** requested that an inspection be conducted of the Shellharbour Foreshore with a view to possible relocation of the gates. He stated that he would like to address issues now rather when problems increase in the warmer months.

- 323 Councillor Bailey** asked for advice on negotiations between Council and "Sky Dive the Beach" and whether a suitable site has been identified for location of the business.

The Director Operations & Services advised that the applicants have been talking with Development Assessment staff and the matter is still under negotiation. He will provide further advice on progress to Councillor Bailey.

SHELLHARBOUR CITY COUNCIL

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324 Councillor Greig advised that Albion Park traffic flow appears to have improved significantly and asked whether Council knows why this has happened.

325 Councillor Greig advised that a number of local residents had been recipients of Healthy Cities awards including Craig Swaney, Council's Good Neighbour Scheme Coordinator. She requested that these people be congratulated on behalf of Council.

326 Councillor Bailey congratulated Councillor Helen Stewart on her efforts to make the "Dogs Day Out" on Sunday a success.

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

Meeting closed 8.05 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 25 July 2006

General Manager

Chairperson