

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 25 July 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
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 4 July 2006

327 RESOLVED: Briggs/Hawker That the Minutes of the Ordinary Council Meeting held on 4 July 2006 be confirmed as a correct record of proceedings.

4.2 Committee of the Whole 4 July 2006

328 RESOLVED: Briggs/Greig That the Minutes of the Committee of the Whole Council Meeting held on 4 July 2006 be confirmed as a correct record of proceedings.

5. Pecuniary Interest

Councillor Greig: Item 11.7 DA No.125/2006 – Lot 1, DP 711947, 19 Addison Street, Shellharbour – Two Storey Commercial Building (8577875)

Nature of Interest: Councillor Greig owns property in the vicinity of the development.

Councillor Gillett: Item 11.10 Supplementary Roads To Recovery Program (8577331)

Nature of Interest: Councillor Gillett has a relative living in Croome Road which is mentioned for funding in the recommendation.

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Councillor Bailey: Item 11.4 DA No.182/2006 – Lots 80 & 81, DP 12780, 70-72 Headland Parade, Barrack Point – Demolition of Two Dwellings, Erection of a Two Storey Building Containing Six Residential Units & Strata Subdivision (8576399)

Nature of Interest: Councillor Bailey owns property in the vicinity of the development.

6. Condolences

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

Eric Thomas Grebert	of	Albion Park
June Roslyn Marrello	of	Albion Park
Elsie May Weston	formerly of	Albion Park
Bogo (Frank) Franetic	of	Albion Park Rail
Claude (Murphy) Risby	of	Albion Park Rail
Peter Stanley Graham	of	Balarang
Joan Bohanna (nee Kinder)	of	Barrack Heights
Jean (China) Fowler	of	Barrack Heights
Karl Christian Hanson	of	Barrack Heights
Alice Annie Dunn	of	Flinders
Keith James Harris	of	Mount Warrigal
Frank Lark	of	Mount Warrigal
Gerda Toepfer	of	Mount Warrigal
Neville St Clair Meiklejohn	of	Shell Cove
Jozo Solomun	of	Shell Cove
Ita Josephine Caldwell	of	Shellharbour
Harold Monaghan	of	Shellharbour
Gordon Dudley Barnett	formerly of	Warilla
Puri Huertas (nee Criado)	of	Warilla
Billy Kyriakidis	of	Warilla
Keith Marshal Simpson	of	Warilla
Doug Stewart	formerly of	Warilla

329 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 Local Government Association Annual Conference 2006 - Blue Mountains (8579326)

330 RESOLVED: Hawker/Jeffreys

- a) That Council nominate its four (4) voting Delegates to the 2006 Local Government Association Annual Conference.
- b) That Council endorse the attendance of those Councillors wishing to attend the 2006 Local Government as observers. Further that any Councillor(s) who wish to attend the Conference as an observer advise the Councillors Liaison Executive Assistant by no later than Friday 4th August 2006.

Matter arising:

Councillor Hawker nominated the Mayor, Councillor Greig, Councillor Bird and Councillor Hawker as Council's Voting Delegates. Councillor Greig seconded the nominations.

Councillor Mifsud nominated the Mayor, Councillor Greig, Councillor Hawker and Councillor Rose as Voting Delegates. Councillor Bailey seconded the nominations.

The Mayor conducted a vote by show of hands.

He declared that Councillor Greig, Councillor Bird, Councillor Hawker and himself would be Council's voting delegates to the Local Government Association Annual Conference 2006.

10.2 The Councillor Weekend 18/19 August 2006, Novotel Wollongong (8579373)

331 RESOLVED: Briggs/Hawker

- 1) That Council endorse attendance by all councillors at the Councillor Weekend.
- 2) That any interested Councillor advise the Councillors Liaison Officer Executive Assistant by no later than close of business Friday 4th August 2006.

10.3 Scoping Study - Sea Cliff Bridge (8579232)

332 RESOLVED: Gillett/Briggs

That Council support this project and agree to contribute \$30,000 and that this contribution be funded from the General Manager's Investigation and Promotion Budget allocation.

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

11. Operations & Services Division

11.1 Tullimbar Village Centre Building Design Guidelines (8566258)

333 RESOLVED: Hawker/Greig

That the Council approve the Tullimbar Village Centre Building Design Guidelines for the Village Centre subject to the following additions:

- a. page 10 – Point 9.3

In order to achieve adequate weather protection for pedestrians it is desirable that continuous awnings be provided in the core retail area.

- b. Page 16 – O11

Consideration must be given to implementing the provision of AS 4299 – Adaptable Housing, in the development of housing in the Village Centre.

- c. Page 18 – R2

4. The Village Green is to be developed in accordance with Crime Prevention Through Environmental Design principles.

- d. Page 26 – R7

Prior to the occupation of any public space/public road, consent pursuant to Section 138 of the *Roads Act 1993* must be obtained from Council.

e. Page 35 – R7

Locate air conditioning units away from front facades and public view and in locations so as not to cause a nuisance.

f. Page 39 – O8

To allow for the provision of suitably located racks for bicycles in the Village Centre.

11.2 DA No. 56/2005 - Lot 2000, DP 816640, 85 Terry Street, Albion Park - Demolition of Existing Building & Structures & Construction of Commercial Building - Section 82A Review Request (8570354)

The Mayor advised the meeting that he had received a request for deferral of this item. The reason given for deferral was that the owner is currently overseas and not back until September. The Mayor stated that he believed the matter should be dealt with tonight.

334 RESOLVED: Hawker/Rose

That the Council decline to support the request for a review of the determination of Development Application No. 56/2005 under Section 82A of the *Environmental Planning & Assessment Act, 1979*, as amended and endorse the original decision and reasons for the refusal of Development Application No. 56/2005 for the demolition of existing structures and construction of a two storey commercial building at Lot 2000, DP 816640, 85 Terry Street, Albion Park.

11.3 DA No. 30/2006 - Lot 301, DP 1031718, 1 Durgadin Drive, Albion Park Rail - Three Industrial Units for Bulky Goods - Warehousing (8575288)

MOTION: Bird/Gillett

That the Council refuse Development Application No. 30/2006 for three industrial units for bulky goods - warehousing at Lot 301, DP 1031718, 1 Durgadin Drive, Albion Park Rail, under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, for the reasons stated following the conclusion.

Councillor Briggs FORESHADOWED a MOTION:

That Council approve Development Application No. 30/2006 for three industrial units for bulky goods - warehousing at Lot 301, DP 1031718, 1 Durgadin Drive, Albion Park Rail, under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended and that delegated authority be given to the General Manager to attach appropriate conditions of consent.

The MOTION on being PUT to the Meeting was LOST

Councillor Mifsud seconded the FORESHADOWED MOTION which then became the MOTION.

335 This MOTION was then PUT to the Meeting and CARRIED (Councillors Bird and Gillett dissenting)

11.4 DA No. 182/2006 - Lots 80 & 81, DP 12780, 70-72 Headland Parade, Barrack Point - Demolition of Two Dwellings, Erection of a Two Storey Building Containing Six Residential Units & Strata Subdivision (8576399)

Note: Councillor Bailey declared an interest in Item 11.4 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

MOTION: Briggs/Greig

That Council approve Development Application No. 182/2006 for six residential units and strata subdivision at Lots 80 & 81, DP12780, 70-72 Headland Parade, Barrack Point under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, and that delegated authority be given to the General Manager to attach appropriate conditions of consent.

The MOTION on being PUT to the Meeting was LOST

336 RESOLVED: Leedham/Jeffreys

That the Council refuse Development Application No. 182/2006 for six residential units and strata subdivision at Lots 80 & 81, DP12780, 70-72 Headland Parade, Barrack Point under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, for the reasons stated following the conclusion.

CARRIED (Councillor Greig dissenting)

Councillor Bailey here returned to the Chamber.

**11.5 DA No. 3/2006 - Lots 2 & 5, DP 218551, Junction Road, Shellharbour
- Use of Land for Parachute Landing (8576791)**

337 RESOLVED: Rose/Mifsud

That Council refuse Development Application No. 3/2006 for Use of Land for a Parachute Landing Business at Lots 2 & 5, DP 218551, Junction Road, Shellharbour under Section 80 of the Environmental Planning & Assessment Act 1979 as amended on the grounds that the proposal is not in the public interest due to inconvenience and risk to other users of the beach and that it is an unreasonable expectation for rescue services to have to carry out rescues should a parachutist be carried out to sea.

CARRIED (Councillor Stewart abstaining)

11.6 DA No. 186/2006 - Lot 102, DP 827966, 144 Lake Entrance Road, Oak Flats - Additions to an Existing Building & Erection of a New Commercial Building (8577768)

338 RESOLVED: Briggs/Jeffreys

That Council approve Development Application No. 186/2006 for additions to the existing building and the erection of a new detached commercial building at Lot 102, DP 827966, 144 Lake Entrance Road, Blackbutt under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended and that the General Manager be given delegated authority to attach appropriate conditions of consent.

CARRIED (Councillors Leedham, Bird and Gillett dissenting).

339 RESOLVED: Hawker/Greig That the meeting recess for 5 minutes.

Meeting adjourned at 8.43 pm

Meeting resumed at 8.51 pm

11.7 DA No. 125/2006 - Lot 1, DP 711947, 19 Addison Street, Shellharbour - Two Storey Commercial Building (8577875)

The Mayor advised the meeting that he had received a letter today requesting that this item be deferred as the applicant is currently on holidays and not able to speak at the Public Forum. The Mayor stated that he considered a decision should be made tonight.

Note: Councillor Greig 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.

MOTION: Mifsud/Briggs

That the Council approve Development Application No. 125/2006 for the construction of a two storey commercial building at Lot 1, DP 711947, 19 Addison Street, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, and that the General Manager be given delegated authority to attach appropriate conditions of consent.

The MOTION on being PUT to the Meeting was LOST

340 RESOLVED: Bird/Jeffreys

That the Council refuse Development Application No. 125/2006 for the construction of a two storey commercial building at Lot 1, DP 711947, 19 Addison Street, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, for the reasons following the conclusion.

Councillor Greig here returned to the Chamber.

11.8 Princes Highway, Albion Park Rail - Drainage & Kerb & Gutter - RTA Funding Offer (8577873)

341 RESOLVED: Bird/Gillett

1. That the Council accepts the RTA's offer of \$130,000 for drainage, parking lane and kerb and gutter on the Princes Highway at Albion Park Rail.
2. That the Council allocates \$50,000 from 'Ward F Traffic Facilities' for the work.
3. That the budget be amended accordingly.

11.9 Water Savings Action Plan (8566376)

342 RESOLVED: Bailey/Hawker

That the Council adopt the *Water Savings Action Plan*.

11.10 Supplementary Roads to Recovery Program (8577331)

Note: Councillor Gillett declared an interest in Item 11.10 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

343 RESOLVED: Briggs/Bailey

1. That the Council formally accept the Federal Government's grant offer of \$320,830 under the Supplementary Roads to Recovery Program.
2. That the program determined by the Pavement Management System as shown in Option 1 for 2006/2007 and 2007/2008 program be adopted.
3. That authority be given for the General Manager to execute all necessary documents under Council's Seal as appropriate in relation to this program.
4. That the Roads & Traffic Authority's (RTA) \$75,000 contribution towards the upgrade of Swamp Road also be incorporated into the 2006/2007 budget.
5. That the budget be amended accordingly.

Councillor Gillett here returned to the Chamber.

11.11 Stores & Material Stocktake (8577310)

344 RESOLVED: Stewart/Greig

That the appropriate journal entries be prepared to record in the Stores & Materials Ledger and the General Ledgers the net write-off of stock of \$260.25.

11.12 Stores LTA Stocktake (8577304)

345 RESOLVED: Bailey/Stewart

That the appropriate journal entries be prepared to record in the Stores LTA Ledger and General Ledgers the write-off of stock to the value of \$565.68.

11.13 Access to Information under Section 12 of the Local Government Act - Dr N Kalokerinos (8577149)

346 RESOLVED: Briggs/Bird

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.

11.14 Local Government Association Conference 2006 Proposed Motions for consideration (8577064)

347 RESOLVED: Hawker/Jeffreys

That Council identify any matters it wishes to raise by way of formal motion for consideration at the LGA Conference and that these matters be formulated as motions and forwarded to the Association before the deadline.

Councillor Rose asked what Council was doing regarding Indian Mynah birds as he was aware that some councils were actively involved in eradication measures. He said it was a state-wide matter and could form a Motion to the Conference. Councillor Greig supported him.

Councillor Hawker suggested that this matter be the subject of a Motion the Australian Local Government Conference.

11.15 Revision to Code of Meeting Practice - Departmental (Meeting) Practice Note No.16 (8577780)

348 RESOLVED: Greig/Bird

That Council defer consideration of this item until the Extraordinary Meeting in September where other similar items will be considered.

11.16 Review of Notifications Development Control Plan (DCP 10/98) - Mailout Process (8573047)

349 RESOLVED: Bird/Briggs

That this report be received and noted.

12. Community Planning & Strategies Division

12.1 Affix Seal to Funding Agreement (8571942)

350 RESOLVED: Jeffreys/Stewart

That Council resolve to affix the Seal of Council to the variation of funding agreement between Council and the Department of Health and Ageing for HACC Programs.

12.2 Delegations of Planning Functions (8579371)

351 RESOLVED: Greig/Leedham

Council, in accordance with Section 377 of the Local Government Act 1993, delegate to the General Manager, the functions contained in the Director General's Instrument of Delegation dated 16 February 2006 regarding his functions under Sections 65(1) and 69(1) of the Environmental Planning and Assessment Act 1979.

13. Shell Cove Business Division

Nil

14. Committee Recommendations

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

352 RESOLVED: Greig/Gillett

That the Recommendations from the Traffic Committee Meeting held 5 July 2006 be adopted.

Councillor Rose asked for advice on progress from the recommendation from Item 4.2 Shell Cove Public School.

15. Notices of Rescission Motion

15.1 Rescission Motion submitted by Councillors Hore, Bird and Leedham (8578208)

353 RESOLVED: Hore/Bird

The Council rescind the decision in respect of Item 12.1 Laneway between Kingston and Griffith Streets, Oak Flats, of 23 May 2006.

354 RESOLVED: Hore/Bird

That Council publish its intention to close the laneway between Kingston and Griffith Streets, Oak Flats and invite parties to lease parts of it. That after the end of public exhibition period, Council consider any comments received and the outcome of discussions with potential lessees before making any further determination on the matter.

16. Notices of Motion

Nil

17. Items for Information

17.1 Lake Illawarra Entrance Works (8578434)

17.2 Investments (8578685)

355 RESOLVED: Hawker/Greig

That the Items for Information be received and noted.

18. Questions without Notice

356 Councillor Stewart asked when the Koono Bay Shareway will be finalised.

357 Councillor Stewart asked whether the Oak Flats Streetscape committee is still functioning and whether community groups can have an input into the committee.

The Mayor advised that he is under the impression that the streetscape plan has already been adopted and is now just awaiting implementation, however he will investigate.

358 Councillor Jeffreys asked why it can take up to three months to get a business approval.

The Manager Development Services advised that there are differences in the kind of application being dealt with. Applications meeting complying development criteria only take 7 days for approval. Food premises or developments proposing a totally different use than previously approved can take up to 3 months. Generally a DA that satisfies requirements would take half that time.

359 Councillor Rose asked for advice on the gates at Shellharbour Foreshore.

The Mayor requested Councillor Rose to contact him to organise a time for a meeting to inspect the gates.

360 Councillor Rose advised he had some questions regarding the Lake Illawarra Authority meeting which he will put in writing to be dealt with by Councillor Leedham.

361 Councillor Rose asked when the Koono Bay Shareway will be finalised by Council and will it go on public exhibition.

362 Councillor Mifsud asked whether it would be possible for Council Meetings to be moved to every third Thursday to allow more time for councillors to read through and consider information in the Business papers delivered on the previous Thursday.

363 Councillor Mifsud stated that the time limit of 3 minutes for each speaker in Public Participation is too short and asked that this be reviewed.

364 Councillor Mifsud raised the issue that the Illawarra has been denied the facility of a licence for an MRI machine at Wollongong Hospital. He asked that Council show support to Sharon Bird, the Member for Cunningham for her work in endeavouring to acquire this and asked could Council find out the reasons why the Illawarra was denied approval.

All councillors agreed with Councillor Mifsud's request that a letter from this Council be sent to the Federal Minister for Health condemning the non-allocation of the MRI licence

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to Wollongong Hospital and a letter to the Member for Cunningham in thanks for her endeavours on this matter.

365 Councillor Briggs advised that there is a mistake in the Strata Units Rates Notices which he pointed out to Council staff this morning. He asked that Council staff put up a notice in the Administration Building alerting ratepayers to the mistake.

366 Councillor Hawker asked whether Council is only targeting illegal parking in Tongarra Road, Albion Park.

The Director Operations & Services advised that illegal parking is being targeted in all areas of the city.

367 Councillor Hawker requested that the installation of disabled parking in Albion Park be investigated, not necessarily in Tongarra Road.

368 Councillor Greig asked whether outdated DCPs in our city can be reviewed.

The Director Community Planning & Strategies advised that DCPs will be reviewed as part of the required review of the LEP. It will take 3 years to review the whole LEP, however, individual DCPs can be reviewed on the way through the process.

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

Meeting closed 9.50 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 15 August 2006.

General Manager

Chairperson