

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 26 September 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 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
Manager Environment & Recreation	M Fields
Manager Development Services	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
Corporate Meetings Officer	J Larsen
Executive Assistant	D Arney

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)

Nil

3. Recommendations from Committee of the Whole

Nil

4. Confirmation of Minutes

4.1 Ordinary Meeting 5 September 2006

446 RESOLVED: Rose/Briggs That the Minutes of the Ordinary Council Meeting held on 5 September 2006 be confirmed as a correct record of proceedings.

5. Pecuniary Interest

Councillor Greig: Item 12.4 Proposed Local Environmental Study & Comprehensive Local Environmental Plan & Development Control Plan (8613198)

Nature of Interest: Councillor Greig is a property owner in Calderwood Valley near the proposal.

Councillor Greig: Item 12.5 New South Wales Draft Illawarra Regional Study (8612060)

Nature of Interest: Councillor Greig is a property owner in Calderwood Valley near the proposal.

Councillor Greig: 12.6 Rezoning Application Calderwood Valley (Delfin Lend Lease) (8612081)

Nature of Interest: Councillor Greig is a property owner in Calderwood Valley near the proposal.

6. Condolences

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

Epifania (Betty) Crowley	of	Albion Park
Stanley Harris Haug	of	Albion Park
Gary John Souter	of	Albion Park
Arthur Turner	of	Albion Park
Millicent Mawbey	formerly of	Albion Park
Michael Pfeiffer	of	Albion Park Rail
Albert King	of	Balarang
Jean Palmer	of	Blackbutt
Jose Luis Pinilla	of	Flinders
Brett Cashman	of	Lake Illawarra
James Roy Lewis	of	Lake Illawarra
Lawrence Parker	of	Mount Warrigal
Bob Batcheldor	of	Oak Flats
Ursula Genz	of	Oak Flats
Johanna Maria Schwarz	of	Oak Flats
Pearl Irene Huntley	of	Shellharbour
Ernie Peters	of	Shellharbour
Beverley Barrell	of	Warilla
Rosa Jiminez	of	Warilla
David Hughes Raikes	of	Warilla
Margaret Chapman	of	Warilla
Bill Crowther	of	Warilla
Kim Leslie Willcox	of	Warilla
Jack Zingel	of	Warilla

Councillor Bird advised the meeting that Aunty Joy Williams, an esteemed Elder of the Aboriginal community had also passed away last Friday.

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

7. Presentations

Nil

8. Mayoral Minutes

8.1 The Australian Mayoral Aviation Council (AMAC) Conference (8612697)

Councillor Greig asked whether it would be possible for Council to apply to bring this conference to Shellharbour.

The Mayor stated that Council could apply to bring the conference to Shellharbour.

Councillor Rose asked if the conference was open to Mayors and councillors why it was not brought to Council so others could go.

The Mayor stated that normally just he would attend as it is a Mayoral Aviation conference. He stated that next year he would advise councillors so that those interested could also consider attending.

448 RESOLVED: Hawker/Gillett

That this report be received and noted.

8.2 Barrack Point Shareway Construction (8615306) - LATE REPORT

449 RESOLVED: Briggs/Mifsud

That Council defer construction of the Barrack Point Shareway until a further report is prepared outlining shareway route options, funding variations and resident responses for further consideration by Council on this matter.

9. Councillors' Reports

9.1 Lake Illawarra Authority Meeting held 31 August 2006 (8612225)

450 RESOLVED: Leedham/Jeffreys

That this matter be received and noted.

10. General Manager's Office

10.1 2006 National General Assembly of Local Government (8605103)

451 RESOLVED: Briggs/Hawker

- a) That Council send a delegate to the 2006 National General Assembly, and nominate its Voting delegate for the plenary session, and Voting Delegate for the mini-plenary sessions.
- b) That Council endorse the attendance of those Councillors wishing to attend as observers, and further that any Councillor wishing to attend the Assembly advise the General Manager as soon as possible.
- c) That Council send the General Manager to the Assembly.

Councillor Briggs and Councillor Hawker were nominated and accepted as the delegates to attend the General Assembly of Local Government with either one being the voting delegate.

10.2 Closure of Council Operations - Picnic Day (8610151)

452 RESOLVED: Rose/Hore

That Council close all of its business premises on the designated Council picnic day, Friday 13th October, 2006 other than for essential services. Employees required to work are paid in accordance with Council's NAPSA (Notional Agreement Preserving State Awards). Sufficient employees, who cover essential services including the Waste depot, Oak Flats Heated Pool, some cleaning and ordinance and rangers will be engaged and paid in accordance with the NAPSA.

11. Operations & Services Division

11.1 Development Application No. 57/2006 - Proposed Bulky Goods/Industrial Development at Lots 4 & 5, DP 17018, 47 - 57 Princes Highway, Albion Park Rail (8610260)

The Mayor advised that he received a request from the Managing Director of Belmorgan Property Development on Friday at 3.00pm asking that this matter be deferred to allow the developer to address the unresolved issues outlined in the report and he had circulated this request to the Councillors this evening.

MOTION: Briggs/Rose

That this matter be deferred in order for the developer to address the unresolved issues outlined in the report.

Councillor Gillett FORESHADOWED a MOTION

That the Council refuse Development Application No. 57/2006 for the construction of a bulky goods and industrial development with 513 car parking spaces and subdivision at Lots 4 & 5, DP 17018, Princes Highway, Albion Park Rail under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, for the following reasons:

1. The granting of development consent would be contrary to Section 91A(4) of the *Environmental Planning & Assessment Act 1979*, in that the Roads & Traffic Authority has not issued its concurrence under Section 138(2) of the *Roads Act, 1993*.
2. The proposal was not accompanied by sufficient information to enable a proper and complete assessment under Section 79C of the *Environmental Planning & Assessment Act, 1979*, as amended, in particular but not limited to:
 - i. The development application has not addressed the requirements of the *Floodplain Risk Management Development Control Plan*.
 - ii. The development application has not satisfactorily addressed flora and fauna issues noting that there is endemic vegetation on site which is associated with the Illawarra Lowland Grassy Woodland Endangered Ecological Community.
 - iii. The development application has not addressed environmental sustainability in that a Water Cycle Management Plan was not submitted.
 - iv. The location of waste and recycling facilities has not been detailed.
 - v. The proposed stormwater design is considered inadequate and inappropriate in that adjoining and downstream properties will be adversely impacted upon and that insufficient detail has been provided concerning the on-site detention system.
 - vi. Access arrangements are considered unsatisfactory in that safe ingress from and egress to Princes Highway for an articulated vehicle is not available.
3. Contrary to the provision of *State Environmental Planning Policy No. 11 – Traffic Generating Developments* in that the Regional Traffic Committee has declined to consider the application due to the inadequacy of information.
4. The proposal is considered potentially inconsistent with the objectives of the zone 4(a) as detailed in clause 30(2) of the *Shellharbour Local Environmental Plan 2000*.
5. The development proposes excessive tree removal. The development proposes insufficient landscaping for the size, scale and nature of the development.
6. The economic impact assessment report is inadequate.
7. The proposed development site/buildings location is inconsistent with the allotment approved via DA No. 502/2005.

8. The proposal is considered not to be in the public interest for the reasons outlined above.

453 The MOTION on being PUT to the Meeting was CARRIED (7/6).

The General Manager stated that he would authorise the matter be brought back to Council if the additional information is not supplied in what he regards as an acceptable time.

**11.2 International Council for Local Environmental Initiatives (ICLEI)
Water Campaign - Local Action Plan (8610765)**

454 RESOLVED: Hawker/Greig

1. That the Council resolve to adopt the water conservation goals of:
 - a. 20% reduction in Council's corporate water consumption by 30 June 2011, based on 1999/2000 levels
 - b. 15% reduction in community water consumption by 30 June 2011, based on 2001/2002 levels.
2. That the Council resolve to adopt the water quality goals of:
 - a. achieving a 50 point water quality rating from ICLEI's Corporate Water Quality Action Cards by 30 June 2011
 - b. achieving a 50 point water quality rating from ICLEI's Community Water Quality Action Cards by 30 June 2011.
3. That the Council resolve to adopt the *Local Action Plan* that will fulfil the requirements of Milestone 3 of the ICLEI Water Campaign.

**11.3 Suburb boundary change between Yellow Rock and Tullimbar
(8608926)**

In response to a question from Councillor Hawker and Councillor Rose the General Manager confirmed that Yellow Rock Road could not be closed without Council approval.

455 RESOLVED: Hawker/Greig

That Council resolve to submit the proposed new suburb boundaries (shown as Attachment 2 to this report), between Yellow Rock and Tullimbar to the Geographical Names Board of NSW (GNB) for approval and subsequent gazettal.

11.4 Requests for Donation (8604727)

456 RESOLVED: Hawker/Hore

That Council resolve to donate the following contributions totalling \$3,900.00:

1. Combined Pensioners Association
2. Australian Volunteer Coast Guard
3. Shellharbour Hospital
4. Illawarra Pipe Band
5. Southern Suburbs Netball Club
6. Illawarra Forum
7. Illawarra Rose Society
8. Illawarra Type 1 Diabetes Support Group
9. Shell Cove Resident Group
10. Warilla High School Homework Centre
11. Italian Social Welfare Organisation

In response to a question from Councillor Rose, the Mayor stated that the Albion Park Junior Rugby League Football Club was entitled to apply for a donation.

11.5 Request for Donation to assist Bridge for Asylum Seekers Foundation (8605966)

MOTION: Gillett/Briggs

That Council not support this request for a donation of \$2,000.

Councillor Mifsud FORESHADOWED a MOTION

1. That Shellharbour Council contribute \$2,000 to the Balmain for Refugees (BFR) project, which supports the Bridge for Asylum Seekers Foundation (BASF) and advise the Mayors of Leichhardt and the other supporting Councils, of Shellharbour Council's support, on humanitarian grounds, for the worthwhile project.
2. That this Council write to local Federal Members, the Prime Minister and Minister for Immigration, urging provision of federal funding assistance for the BASF foundation and BFR project, to assist asylum seekers who may be falling through the "gaps" in Australia's social security, public education and health care networks and who are currently existing in hopeless situations, unable to seek work and relying totally on charity.

Councillor Jeffreys proposed an addendum to the original Motion that "Point 2 of the FORESHADOWED MOTION be added to the Motion".

The Mover and seconder accepted the amendment.

The Motion now became:

1. That Council not support this request for a donation of \$2,000.
2. That this Council write to local Federal Members, the Prime Minister and Minister for Immigration, urging provision of federal funding assistance for the BASF foundation and BFR project, to assist asylum seekers who may be falling through the "gaps" in Australia's social security, public education and health care networks and who are currently existing in hopeless situations, unable to seek work and relying totally on charity.

Councillor Mifsud withdrew his FORESHADOWED MOTION in favour of the amended MOTION.

457 The MOTION on being PUT to the Meeting was CARRIED

12. Community Planning & Strategies Division

12.1 Laneway at McCoy Place, Albion Park (8609025)

458 RESOLVED: Hawker/Greig

That Council resolves a) to close the laneway, subject to public consultation; b) to publish its intention to do so in the "Lake Times" and; c) in the absence of any objections in the 28 days following such notice, to authorise the Group Manager, Works and Services to arrange physical closure of the laneway by the erection of an appropriate Colorbond fence at the soonest possible moment.

12.2 Proposed Renewal of Alcohol-free Zone on Albion Oval (8609178)

459 RESOLVED: Bird/Bailey

That Council renews the designation as an alcohol-free zone of the area concerned, shown on the attachment. The effect of this will be to prohibit the consumption of alcohol in public places in the zone for 24 hours per day every day 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 zone, the zone will come into effect on 13 November 2006. If the General Manager receives substantive objections or modifications in writing, Council will consider the matter again before taking action.

The area concerned is: the whole of Albion Oval and adjacent stretches of Ash Avenue, Tongarra Road, Woollybutt Drive and Princes Highway.

12.3 Festival in the Forest Event (8611250)

460 RESOLVED: Jeffreys/Briggs

1. That the Festival in the Forest Event not be held this year.
2. That a letter be sent to organisations registered to participate explaining the reasons for the cancellation and that a public notice be placed in the local newspaper to advise the residents.

12.4 Proposed Local Environmental Study & Comprehensive Local Environmental Plan & Development Control Plan (8613198)

Note: Councillor Greig declared an interest in Item 12.4 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

461 RESOLVED: Briggs/Rose

That Council:

1. In accordance with Section 57 of the EP&A Act, resolve to prepare a Local Environmental Study as required under the State Government Planning Reforms to support the preparation of a Draft Comprehensive Local Environmental Plan
2. In accordance with Section 54 of the EP&A Act, resolve to prepare a single comprehensive draft local environmental plan to consolidate and review the current Shellharbour Local Environmental Plan 2000, The Shellharbour Rural Local Environmental Plan 2004 and the Draft Shellharbour Urban Fringe Local Environmental Plan as required under the State Government Planning Reforms.
3. In accordance with Section 74C of the EP& A Act, resolve to prepare a single comprehensive draft Development Control Plan to consolidate and review Council's current Development Control Plans.

12.5 New South Wales Draft Illawarra Regional Strategy (8612060)

Note: Councillor Greig declared an interest in Item 12.5 and remained outside the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

Councillor Bailey congratulated Planning Services staff for the comprehensive report.

462 RESOLVED: Briggs/Bailey

1. That council receives and note the report.
2. That council adopt attachment (1) of this report as the basis of Council's submission to the New South Wales Government on the Draft Illawarra Regional Strategy.

**12.6 Rezoning Application Calderwood Valley (Delfin Lend Lease)
(8612081)**

Councillor Rose thanked council officers and Delfin Lend Lease for the briefings leading up to this report coming to Council.

463 RESOLVED: Briggs/Rose

That Council

1. Resolve not to prepare a stand alone Local Environmental Plan for Calderwood Valley as outlined in the rezoning application by Delfin Lend Lease dated August 2006.
2. Formally recommend to the State Government that the area of Calderwood shown on the map in attachment 1 of this report be identified as a "Special Investigation Area/Potential New Release Area", on the Illawarra Regional Strategy Map.
3. Formally recommend to the State Government that the text contained in the Draft Illawarra Regional Strategy document relating to the Calderwood Valley be amended as shown in Table 1. of this report.
4. Subject to the final adopted Illawarra Regional Strategy identifying the Calderwood DLL landholdings as a potential new release area, carry out an assessment of urban potential of the landholdings, through the preparation of the local environmental study for the Comprehensive Shellharbour Local Environmental Plan.
5. In accordance with Section 57 of the Environmental Planning and Assessment Act and Clause 15 of the Regulation, recover appropriate costs and expenses from Delfin Lend Lease incurred during the preparation of the Local Environmental Study.
6. Require a status report be presented in July 2007 on the progress of the planning and delivery of the West Dapto urban release area, noting that the Calderwood DLL landholdings will only be required for urban purposes if the delivery of West Dapto is disrupted or delayed to an extent where housing supply shortages are inevitable.
7. That, notwithstanding Council resolution 319 (2000) referred to in this report, Council now note and acknowledge that when adopted the 2006 Illawarra Regional Strategy will replace the Illawarra Metropolitan (urban) Development Program which commenced in 1982.

Councillor Greig here returned to the Chamber.

12.7 Interest in Redeveloping Reddall Reserve Kiosk (8611752)

MOTION: Leedham/Hore

That Council officers liaise with the Lake Illawarra Authority and its authorised officers in the formation of a lease document for the future operation of a new facility on the Reddall Reserve foreshore area, including tender advertisement seeking potential operators of a new facility.

Councillor Rose FORESHADOWED a MOTION that Council not take any steps to pursue a redevelopment at Reddall Reserve.

464 The MOTION on being PUT to the Meeting was CARRIED

13. Shell Cove Business Division

Nil

14. Committee Recommendations

14.1 Recommendations from the Shellharbour Traffic Committee Meeting held 6 September 2006 recommended for adoption.

465 RESOLVED: Greig/Briggs

That the Recommendations from the Shellharbour Traffic Committee Meeting held 6 September 2006 be adopted.

14.2 Recommendations from the Aboriginal Advisory Committee Meeting held 12 September 2006 recommended for adoption.

466 RESOLVED: Bird/Jeffreys

That the Recommendations from the Aboriginal Advisory Committee Meeting held 12 September 2006 be adopted.

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

17.1 Events & Activities September/October 2006 (8609392)

17.2 Warilla Neighbourhood Centre Inc. AGM (8608679)

17.3 2006/07 Asset Improvement Program (8610173)

17.4 Investments (8610198)

467 RESOLVED: Hawker/Briggs

That the Items for Information be received and noted.

18. Questions without Notice

- 468 Councillor Stewart** asked whether the request from the Animal Welfare League regarding disposal of unwanted cats had been addressed.

The Group Manager Development & Technical Services advised that the matter is still being investigated by the compliance department.

- 469 Councillor Jeffreys** stated that she had been advised by a resident that there is a dangerous trip hazard in the footpath in front of McDonalds at Albion Park Rail and asked that this be investigated and action taken to correct it.

- 470 Councillor Leedham** advised that he had participated in the Lakeside Ride and that it was a fantastic day. He thanked The Group Manager Community Services & Development for participating and added that all donations from the day would go to the Heart Foundation.

- 471 Councillor Hore** asked for an update on work on amenities in Andrews Park.

- 472 Councillor Gillett** asked whether it would be possible to install a pullover/drop off zone near the bus stop on the western side of the Princes Highway near the entrance to Albion Park Rail station.

The Director Operations & Services advised that the RTA would be unlikely to support such a proposal. He added that there are already areas where people can park nearby.

- 473 Councillor Rose** stated that he had received complaints about the road surface in Veronica Street Warilla at the two approaches to Woolworths. He requested that this be investigated.

- 474 Councillor Mifsud** thanked the Director Shell Cove Business Unit for the fence erected in Shell Cove.

- 475 Councillor Mifsud** asked that Council look at how to address anti-social behaviour at Barrack Point and asked that the police be requested to provide advice on reported incidents in this area.

- 476 Councillor Mifsud** stated that he believed that according to the Payment of Expenses & Provision of Facilities to Councillors Policy Council is supposed to report every three months on the cost and number of conferences attended however this did not appear to have happened.

The General Manager advised that he will investigate this.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 26 September 2006

477 Councillor Bailey reported several instances of missing signage in the Mt Warrigal Barrack Heights area.

The Director Operations & Services advised that vandalism and removal of signage is a big issue for Council. He stated that a works crew is dedicated virtually full time to dealing with it.

478 Councillor Briggs stated that after the recent rain there are 14 pot holes between schools on Reddall Parade in Mt Warrigal. He also advised that the road surface at the Wattle Road and Benson Road intersection is breaking up and asked that these matters be attended to.

479 Councillor Hawker advised that the street lamp opposite Mt Terry public school is still not working.

480 Councillor Hawker advised that the surface of the parking area at the shops in Terry Street is breaking up and asked that this be investigated.

481 Councillor Hawker advised that a dividing fence in Ashburton Drive has been knocked down and asked that it be fixed.

482 Councillor Greig thanked council officers for their quick action to a recent incident at Albion Park.

In regard to Minute No.476, the General Manager stated that he had now read the relevant section of the policy and he did not believe any Councillors had attended any conference in accordance with that provision and that is why it had not been reported. He stated that he currently reported on Conferences to the Council in the Management Plan quarterly report and he would now include the costs, if any.

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

Meeting closed 8.30 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 24 October 2006.

General Manager

Chairperson