

# SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 28 November 2006

---

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 28 November 2006 commencing at 4.45 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 Councillor D Briggs
D Ward	Councillor J Leedham Councillor T Hore
E Ward	Councillor C Mifsud Councillor G Rose
F Ward	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
Acting Manager Financial Services	P Macquire
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**

#### **Ordinary Council Meeting**

Apologies were tendered on behalf of Councillor Jeffreys and Councillor Bird

#### **Committee of the Whole Council Meeting**

Apologies were tendered on behalf of Councillor Jeffreys and Councillor Bird

562 RESOLVED: Hore/Gillett. That the apologies as tendered be accepted.

### **2. Confidential Business (Committee of the Whole)**

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, 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.

## **SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 28 November 2006

---

563 RESOLVED: Hawker/Briggs

1. That Council resolve into Committee of the Whole to consider the above 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 DA No. 393/2005 - 3 Surf Road, Shellharbour (8648090)**

**Meeting adjourned at 4.47**

**Meeting resumed at 5.10 pm**

### **3. Recommendations from Committee of the Whole**

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

**2.1 DA No. 393/2005 – 393/2005 – 3 Surf Road, Shellharbour (8648090)**

COMMITTEE RECOMMENDATION:

That the Council receive and note the contents of this report.

564 RESOLVED: Hawker/Greig That the Recommendation to Council from the Committee of the Whole Meeting held earlier today be adopted.

**4. Confirmation of Minutes**

**4.1 Ordinary Meeting 14 November 2006**

565 RESOLVED: Hawker/Bailey That the Minutes of the Ordinary Council Meeting held on 14 November 2006 be confirmed as a correct record of proceedings with the amendment that Councillors Rose, Stewart and Mifsud be recorded as voting against Items 12.2 and 15.1.

CARRIED (Councillor Rose dissenting).

Matter arising from the Minutes

Councillor Stewart stated that she objected to Councillor Hore reading excerpts from a resident's letter regarding Item 15.1 after the Mayor had ruled that he not be allowed to read the letter to the meeting.

The Mayor stated that he had ruled that Councillor Hore not be allowed to read the letter to the meeting. However Councillor Hore was permitted to raise the issues on his own behalf.

Councillor Stewart sought further explanations from the Mayor in regard to his ruling.

The Mayor repeated the reasons for his ruling.

**4.2 Committee of the Whole 14 November 2006**

566 RESOLVED: Hawker /Briggs That the Minutes of the Committee of the Whole Council Meeting held on 14 November 2006 be confirmed as a correct record of proceedings.

CARRIED (Councillors Mifsud and Rose dissenting).

The General Manager in response to questions from Councillor Stewart and Councillor Rose, stated that the Minutes contained the exact words and recommendation he had read out as a verbal report to the Meeting and thus the Minutes complied with Council's policy regarding the writing of the Minutes.

Councillors Rose and Stewart stated, for the record, that they have since withdrawn their support as they cannot justify it to the public.

**5. Pecuniary Interest**

Nil

## **6. Condolences**

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

Jose Maria Medina	of	Albion Park
Milka Suk	of	Albion Park
Eunice Pamela Tomlinson	of	Albion Park
Kenneth Matthews	of	Albion Park Rail
Maureen Fay Schnepf	of	Albion Park Rail
Rodney Shaun Murray	of	Flinders
James (Jimmy) Anderson	of	Lake Illawarra
Stanislaw (Stan) Kozlowski	of	Mt Warrigal
Bernard (Bernie) Clarsen	formerly of	Oak Flats
Allan Edward Mantell	of	Oak Flats
Zlata Nikoloska	of	Shell Cove
William McKechnie Brown	of	Shellharbour
Victor Harry Abbott	of	Warilla
Emilio Carrion	of	Warilla
Kathleen Green	of	Warilla
Alfred Alf Viles – O.A.M.	of	Warilla

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

## **7. Presentations**

Nil

**8. Mayoral Minutes**

**8.1 Finance Sector Union - Request for Support (8647588)**

568 RESOLVED: Hawker/Greig

1. That Council expresses its disappointment and concern at the decisions of a number of Australian banks to source work that is currently performed in Australia from overseas third parties. Council is particularly disappointed by the decision of St George Bank to relocate the jobs of up to 60 of its staff currently employed in the Municipality of Kogarah to India. Council is also concerned at the plans announced by Westpac to consider outsourcing the jobs of up to 500 of its staff currently employed in the City of Canada Bay.
2. Council believes that:
  - a) Australian banks have an obligation to support Australian employment and skills;
  - b) It is in the national interest to maintain a comprehensive local financial sector and off-shoring of part of the industry would have a serious impact on local business, employment and the community as a whole;
  - c) The integrity of the Australian financial system is based on consumer confidence in the security of information underpinned by strong local laws protecting consumer rights and privacy that could be seriously undermined if confidential information was accessible in locations beyond the reach of Australian law;
  - d) Australians should have a legal right to know if their personal information is being processed off-shore and should have a right to refuse permission to have their personal information sent off-shore;
  - e) Off-shoring for cost saving reasons is a short-term, globally exploitative mechanism for increasing profits by way of sourcing the lowest possible labour costs.
3. Council supports the campaign by the Finance Sector Union to save the local jobs of finance workers, and as such:
  - a) Calls upon St George Bank to reverse its decision;
  - b) Urges Westpac to choose not to outsource local jobs; and
  - c) Calls upon all Australian banks and other corporations to put the interests of local jobs, skills and communities ahead of short term cost cutting.

Council commits itself to giving preference to service providers, including providers of banking services, which respect fair employment practices, and which do not send Australian jobs overseas.

**LATE ITEM**

**Economic Gardening**

The Mayor displayed a framed certificate presented to Council from AusIndustry last evening as an acknowledgement of funding from the Australian Government under the Building Entrepreneurship in small Business program for the Economic Gardening Program which commenced yesterday.

The Mayor congratulated the Group Manager Corporate Planning and the Economic Development Manager for their initiative and work involved in this project.

The meeting acknowledged the presentation by acclamation.

**9. Councillors' Reports**

Nil

**10. General Manager's Office**

**10.1 Management Plan Quarterly Review, July - September 2006 (8639186)**

569 RESOLVED: Greig/Bailey

That the report be received noted and endorsed.

**10.2 September Quarter Budget Review (8640971)**

570 RESOLVED: Hawker/Greig

1. That Council adopt the September 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 2007, of \$275,599.
2. That the Grants listed in the new item section of this report be accepted.

**10.3 Reporting of Councillors' Conferences and Seminars attended to Council (8648406)**

Councillor Hawker advised of two awards presented to Council at the Local Government National Conference under International Council of Local Environmental Initiatives (ICLEI) for achieving Milestone 2 and 3 Corporate and Community in the Water Campaign and Milestone 1 Cities for Climate Protection Program.

He complimented Council for showing the way with initiatives in these areas.

In response to a question from Councillor Rose the General Manager advised that Councillors' Conferences and Seminars attended will be reported each quarter in the Management Plan in the future.

571 RESOLVED: Hawker/Gillett

That this information be received and noted.

#### **10.4 Australian Fair Pay Commission Minimum Wage Decision (8648658)**

572 RESOLVED: Rose/Greig

That this information be received and noted.

### **11. Operations & Services Division**

#### **11.1 Section 82A Review - DA No. 393/2005 - Lot 1, DP 216377, 3 Surf Road, Shellharbour - Demolition of Existing Dwelling & Assoc. Structures & Const. of an Integrated Housing Development Containing 6 Dwellings on 6 Torrens Title Allotments (8645904)**

MOTION: Greig/Gillett

- A. That the Council consider the request to review the determination of Development Application No. 393/2005 under Section 82A of the *Environmental Planning & Assessment Act, 1979*, as amended for the demolition of the existing residence and associated structures and construction of an 'integrated housing development' containing six dwellings on 6 Torrens Title allotments at Lot 1, DP 216377, 3 Surf Road, Shellharbour and approve the application under Section 80 of the *Environmental Planning & Assessment Act, 1979* as amended subject to the 89 conditions following the consultation of this report.
- B. That the Council allow for the registration of the subdivision prior to the construction of the dwellings.
- C. That the Council require the registered proprietor of the land to provide an unlimited corporate guarantee, guaranteeing the performance of the purchaser from the registered proprietor of the land with respect to the development consent prior to release of the Subdivision Certificate.
- D. That the Council require the Directors of the registered proprietor of the land to provide an unlimited personal guarantee, guaranteeing the performance of the purchaser from the registered proprietor of the land with respect to the development consent prior to the release of the Subdivision Certificate.

The Mayor warned members of the gallery to refrain from commenting. Further disturbance would mean the offender/s would be asked to leave the meeting.



**SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 28 November 2006

---

Councillor Mifsud FORESHADOWED a MOTION

That the Council decline the request for review of the determination of Development Application No. 393/2005 under Section 82A of the *Environmental Planning & Assessment Act, 1979*, as amended and affirm its resolution of 21 March 2006 (Minute No. 104) to refuse the Development Application.

The MOTION on being PUT to the Meeting was LOST 3/8

Councillor Rose seconded the FORESHADOWED MOTION which now became the MOTION

573 The FORSHADOWED MOTION on being PUT to the Meeting was CARRIED (Councillor Greig, Hamilton and Gillett dissenting).

**11.2 DA No. 57/2006 - Lots 4 & 5, DP 17018, 47 - 57 Princes Highway, Albion Park Rail - Proposed Bulky Goods/Industrial Development (8636610)**

The Mayor advised the meeting that he had received a request from the developer to withdraw this Development Application.

574 RESOLVED: Briggs/Greig

That Council receive ad not this matter and take no further action.

**11.3 DA No. 545/2006 - Lot 4145, DP 804877, 27 Glider Avenue, Blackbutt - Demolish Existing Pool & Detached Structures and Construct Rear Addition to Existing Dwelling, Swimming Pool & Retaining Walls (8646714)**

575 RESOLVED: Bailey/Gillett

That the Council approve Development Application No. 545/2006 to Demolish Existing Pool & Detached Structures and Construct Rear Additions to Existing Dwelling, Swimming Pool & Retaining Walls at Lot 4145, DP 804877, 27 Glider Avenue, Blackbutt under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 29 conditions following the conclusion.

**11.4 Shellharbour Workers Club Masterplan - Lot 105, DP 261166, Cnr Wattle Road & Shellharbour Road, Shellharbour (8646415)**

576 RESOLVED: Briggs/Rose

That the Council adopt the Masterplan for the Shellharbour Workers Club site as prepared by DBL Property & Altis Architecture dated, June 2006 to guide the future development of the site subject to the following amendments:

1. page 39 - Matters for Consideration  
insert (c) any relevant provisions of Shellharbour LEP 2000, any relevant State Environmental Planning Policies and Development Control Plans.
2. page 39 - Building Height Controls  
delete reference to maximum height and maximum wall height controls and replace with:
  - any increase over and above height controls set out in *Regional Environmental Plan No. 1* and relevant Development Control Plans must be justified at the time of submission of individual development applications.
3. page 40 - Access and Car Parking  
delete all references to Roads & Traffic Authority (RTA) Guidelines for Traffic Generating Developments.

Further that it be noted that this is a not an in principle support for a DA to be submitted at a later time.

**11.5 Acceptance of Grant Funding for Various Projects on the Floodplain Management Program 2006/2007**

577 RESOLVED: Bailey/Briggs

1. That the Council accepts the grant offer and informs the Department of Natural Resources in writing of the acceptance.
2. That the Council allocate its funding share of \$15,000 from City Wide Grant Matching Funds.
3. That the Budget be amended accordingly.

**12. Community Planning & Strategies Division**

**12.1 Regeneration of Community Precinct, Russell Street, Albion Park (8646581)**

578 RESOLVED: Hawker/Greig

That Council resolve to support the measures being taken and proposed to be carried out by stakeholders in the Albion Park community precinct and reallocate the \$22,000 originally allocated for a security fence around the museum to remedial measures to be undertaken by Works and Services (\$10,000) and Community Services & Development for additional youth worker hours (\$12,000).

**12.2 Alcohol-free Zones (8646705)**

Councillor Stewart read out extracts from the Report and asked why the same principles were not applied to the laneway, at the rear of David Avenue, in Oak Flats.

The Mayor ruled Councillor Stewart to be out of order as her remarks were not relevant to this report.

579 RESOLVED: Briggs/Bailey

That Council:

- a) designate two new alcohol-free zones, one on Shellharbour War Memorial Park (DP 588826) at Warilla (between dusk and dawn every night for three years), and another on the public reserve at DP 804877 Lot 4187 at Glider Avenue, Blackbutt (24 hours every day for three years), and to renew the existing alcohol-free zone on William Park, Warilla (DP 236716 Lot 236) (24 hours each day for three years);
- b) announces these intentions in the "Lake Times" and if, after 14 days, no substantive objections are received by the General Manager, declares the establishment of the zones;
- c) authorises expenditure on appropriate signage;
- d) in the event of substantive objections being received in respect of the three specific proposals, considers those objections at a future meeting of Council before further action is taken on the proposal(s) objected to.

**12.3                    2006/2007 HACC Regional Capacity Building - Direct Allocation  
(8639245)**

580    RESOLVED: Hawker/Greig

That Council resolve to affix the Seal of Council to Funding Agreements from the Department Ageing, Disability and Home Care and Ministry of Transport for HACC recurrent and non-recurrent funds as they are received.

**12.4                    Illawarra Regional Airport - Funding offer from NSW Department of  
State and Regional Development (8640721)**

The Mayor brought Councillor Stewart and Bailey to order.

During debate the Mayor warned Councillor Briggs to refrain from criticising the speaker in Public Participation and Councillor Briggs withdrew his remarks.

581    RESOLVED: Hawker/Gillett

1.    Council accept the grant of \$45,000 from the NSW Department of State and Regional Development.
2.    Council allocate \$35,000 as its contribution from the city-wide grant matching fund.
3.    Council accept the \$10,000 offer from Shellharbour Tourism to assist with this project.
4.    That the Mayor and General Manager be authorised to execute any funding documents relating to this project under the Common seal of Council.
5.    That the 2006/2007 Budget be amended accordingly.
6.    That Council write a letter of thanks to the Minister for Regional Development and Shellharbour Tourism for the assistance with this project.

**12.5                    Tullimbar Subdivision - Relocation of Major Transmission Line  
Easement (8648360)**

582    RESOLVED: Hawker/Greig

1.    That a 10.5 metre wide easement for electricity purposes be created along the western boundary of Lot 1, DP570091 and that the terms of the easement be as shown on Attachment 1, as proposed by Integral Energy.
2.    Compensation being payable by Miltonbrook Land Pty Ltd to Council for the amount of \$217,500 for easement burden referred to in 1. (See attachment 2)

3. The parties enter into a Deed of Agreement regarding cost sharing of the "common road" construction, shown as Road No. 3 on DA 741/2002.
4. Council acquire from Miltonbrook Land Pty Ltd an 8 metre strip of land adjoining the western boundary of Lot 1, DP570091 for the amount of \$45,000 (see attachment 3).
5. That the Mayor and General Manager be authorised to execute any documents relating to the transaction under the Common Seal of Council.

### **13. Shell Cove Business Division**

#### **13.1 Shell Cove Quarterly Report to 19 November 2006 (8626370)**

583 RESOLVED: Hore/Briggs

1. That this report be received and noted.
2. That Council resolves to agree to the land exchange with Warilla Bowls and Recreation Club, as outlined in this report.
3. That Council resolves for Lot 74 DP 229374 and Lot B DP 420074, purchased under that land exchange, to be classified as Operational.
4. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of Lot 1 DP 584291 and Lot 8100 DP 1082981 and on the Transfer for proposed lot 1 (land exchange).
5. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of Lot 4707 DP 1061816 and on the Transfers for proposed lots 4810 to 4818 (houses).
6. That Council resolves to affix the Seal of Council on the Subdivision/Strata /Community Plans, 88B Instruments and associated documents for the subdivision of Lot 4819 (from the subdivision of Lot 4707 DP 1061816) and on the Transfers for proposed lots 4801 to 4809 (houses).
7. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of Lot 1167 DP 1076113 and on the Transfers for proposed lots 7401 to 7412 (Stage 7C).

**14. Committee Recommendations**

**14.1 Record of the Aboriginal Advisory Committee Meeting held 21 November for consideration.**

584 RESOLVED: Briggs/Hawker

That the Record of the Aboriginal Advisory Committee Meeting held 21 November 2006 (for which there was no quorum) be adopted.

**15. Notices of Rescission Motion**

Nil

**16. Notices of Motion**

Nil

**17. Items for Information**

**17.1 Availability of Minutes: Southern Council's Group Meeting held 3 November 2006 (8648395)**

585 RESOLVED: Hawker/Greig

That Council receive and note the items for information.

**18. Questions without Notice**

**586 Councillor Stewart** requested that the possibility of designating an area for parking cars for sale with a permit system be investigated.

**587 Councillor Leedham** advised that he had received resident complaints about rats in Reddall Reserve. He asked that council officers investigate this matter, preferably at night when the problem appears to be most prevalent.

The Mayor requested that councillors refrain from commenting when other councillors are addressing the meeting.

**588 Councillor Hore** advised that at the corner of Stanley and Addison Streets a resident has not been mowing the median strip outside their home.

The Director Operations & Services advised that there is a process to be implemented and that he would pursue the matter if Councillor Hore could provide him with details.

**589 Councillor Hore** requested that extra attention be given to maintenance of main roads and prominent areas with the expected increase in visitors over the Christmas holiday period.

**590 Councillor Rose** stated that a Shell Cove resident who complained about an alarm continually going off in Brindabella Drive was not happy with the service received from Council.

**591 Councillor Rose** advised that he had received a complaint from a resident regarding dust issues with trucks going up Brindabella Drive.

The Director Operations & Services advised that this issue is the subject of a written requisition and is currently be assessed.

**592 Councillor Rose** advised that he had received a complaint about litter at a vacant home next to the Fish and Chip shop at Barrack Point. He asked that this be investigated.

**593 Councillor Rose** asked when the fence around the playground at Bardsley Park is to be erected.

**594 Councillor Rose** asked why the Anglican School was refused permission to erect a sign on their own land showing where the school is located.

## SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 28 November 2006

---

**595 Councillor Rose** requested that Council investigate the contents of a letter he had received from Australand regarding issues relating to a privacy screen backing onto Hicks Terrace. He provided a copy of the letter.

**596 Councillor Mifsud** asked whether a Council meeting could be held at Oak Flats in the future.

The General Manager advised that there is no intention to do so at this stage due to lack of a suitable venue.

**597 Councillor Mifsud** stated that he had received an explanation from the Director Operations & Services as to why improvements at Shellharbour cemetery could not be undertaken before Christmas. He requested that this be attended to as soon as possible thereafter.

The Director Operations & Services advised that a DA needs to be lodged and following that it will be scheduled in programming of works.

**598 Councillor Mifsud** asked when seats in Addison Street would be installed.

The Director Operations & Services advised that he had already responded to Councillor Mifsud's requisition on this matter in writing and that the seats had been ordered and would be installed when they arrived.

The Mayor highlighted to fact that questions without notice are meant to be requisitions regarding urgent matters, maybe come to light in the last 24 hours. He requested that councillors use their requisition books for all other matters.

The General Manager stated that it is Council policy that Councillors keep verbal questions at meetings to a minimum and that questions be submitted in writing, in the Requisition Books provided and that this had been Council's practice for a number of years.

**599 Councillor Bailey** requested that Council consider implementation of an Alcohol free zone at Barrack Point in light of recent problems in that area.

**600 Councillor Hawker** requested that the use of cut grass from Council's mowing operations be investigated as possible animal feed for farmers.

**601 Councillor Hawker** commented that the city's two cemeteries are reaching their capacity and asked what provisions are being made for the future.

The Mayor advised that Council is investigating options.



**SHELLHARBOUR CITY COUNCIL**

Ordinary Council Meeting - Tuesday 28 November 2006

---

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

**Meeting closed 6.35 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 12 December 2006.

---

General Manager

---

Chairperson