

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 06 February 2007

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 06 February 2007 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
Executive Assistant	J Frasca

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 12 December 2006

- 1 RESOLVED: Briggs/Bailey That the Minutes of the Ordinary Council Meeting held on 12 December 2006 be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

4.2 Committee of the Whole 12 December 2006

- 2 RESOLVED: Greig /Briggs That the Minutes of the Committee of the Whole Council Meeting held on 12 December 2006 be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

5. Pecuniary Interest

Councillor Greig: Item 15.1 Notice of Rescission Motion submitted by Councillors Bailey, Mifsud and Rose (8663430).

Nature of Interest: Councillor Greig owns the property in the same street as the proposed development.

Councillor Gillett: Item 11.1 DA 567/2006 - Lot 1129, DP 263029, 13A Tara Crescent, Oak Flats & Lot 2, DP 588310, Madigan Boulevard, Mount Warrigal - Construction of a 20 Bed Non Acute Mental Health Unit & Association Car Park (8667854)

Nature of Interest: Councillor Gillett works for the Mental Health Services at Shellharbour Hospital.

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6. Condolences

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

Lawrence Burnett	of	Albion Park
Thelma Joyce Brownlee	of	Albion Park
Theresa Sile	of	Albion Park
Roy Anger	of	Albion Park
Jacky Bergsma	of	Albion Park
Win Knights	of	Albion Park
Gwendoline Elizabeth Whipps	of	Albion Park
Dorothea Grace Swan	of	Albion Park
Angus John Rushworth	of	Albion Park
Rafael Munoz	of	Albion Park
Grace Morris	of	Albion Park Rail
Christopher Knighton	of	Albion Park Rail
Stephen Austin	of	Albion Park Rail
Evelyn Jeffree	of	Barrack Heights
Glen Wilson	of	Barrack Heights
Carol Rogers	of	Barrack Heights
Ernestine Dorothy Pratt	formerly of	Blackbutt
Karl Libner	formerly of	Blackbutt
Bona Stojcevska	of	Blackbutt
Trajan Krstevski	of	Blackbutt
Ron Curnow	of	Lake Illawarra
Jan Sturm	of	Lake Illawarra
Aaron Rankmore	of	Mt Warrigal
Audrey Rhoda DeLandre	of	Mt Warrigal
Allan James Marshall	of	Oak Flats

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Joseph Dargham	of	Oak Flats
Margaret Joyce Lord	of	Oak Flats
Brodee Caitlyn Smith	of	Shell Cove
Gertrude Lown	of	Warilla
Olive Brooks	of	Warilla
Michelle Anne Morris	of	Warilla
Dennis Skinner	of	Warilla
Bill Willis	of	Warilla
Ankica Knezevic	of	Warilla
Sandra Mary England	of	Warilla
Edward Neville Badans	of	Warilla
Bill Sharp	of	Warilla
Olga May Cross	of	Warilla
William Whiteman	of	Warilla

3 A Motion of condolence was passed by all present standing for one minute's silence.

7. Presentations

Nil

8. Mayoral Minutes

Nil

9. Councillors' Reports

Nil

10. General Manager's Office

Nil

11. Operations & Services Division

11.1 DA 567/2006 - Lot 1129, DP 263029, 13A Tarra Crescent, Oak Flats & Lot 2, DP 588310, Madigan Boulevard, Mount Warrigal - Construction of a 20 Bed Non Acute Mental Health Unit & Associated Car Park (8667854)

Note: Councillor Gillett declared an interest in Item 11.1 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

4 RESOLVED: Rose/Briggs

1. That the Council seek concurrence of the NSW Department of Commerce to the imposition of the 57 conditions following the conclusion pursuant to the provisions of Section 116C of the *Environmental Planning & Assessment Act, 1979*, as amended.
2. That upon receipt of acceptance of the 57 conditions by the NSW Department of Commerce, Council grant delegated authority to the General Manager to determine Development Application No. 567/2006 for the proposed 20 bed non acute mental health unit at Lot 1129, DP263029, 13A Tarra Crescent, Oak Flats & Lot 2, DP 588310, Madigan Boulevard, Mount Warrigal under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended.
3. That following consultation with the NSW Department of Commerce, should the General Manager consider any variation sought to the conditions is warranted, that delegation be granted to make those variations.

CARRIED UNANIMOUSLY

Councillor Gillett here returned to the Chamber

11.2 DA No. 543/2006 - Lot 6, DP 12479, 61 Boollwarroo Parade, Shellharbour - Demolition of Existing Dwelling, Garage & Associated Structures & Construct a New Two Storey Dwelling with Attached Garage, Inground Swimming Pool & Ornamental Pond (8663124)

5 RESOLVED: Rose/Bailey

That the Council approve Development Application No. 543/2006 to demolish an existing dwelling, garage and associated structures and construct a new two storey dwelling with attached garage, inground pool and ornamental pond at Lot 6, DP 12479, 61 Boollwarroo Parade, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 39 conditions following the conclusion with the amendment that Condition No.24 be varied to incorporate as a minimum, a 30mm gap between each of the vertical timber battens.

CARRIED UNANIMOUSLY

11.3 Bush Regeneration & Bank Stabilisation Grant Funding (8672185)

6 RESOLVED: Jeffreys/Greig

1. That the Council resolve to accept SRCMA's grant offer of \$7,500 (50%) towards Bush Regeneration and Bank Stabilisation at Bensons Creek, Warilla.
2. That Council's \$7,500 (50%) share of funding be provided from Citywide Grant Matching Funds.
3. That the budget be amended accordingly.

CARRIED UNANIMOUSLY

11.4 Bush Regeneration Training Grant Funding (8672258)

7 RESOLVED: Bird/Stewart

1. That the Council resolve to accept SRCMA's grant offer of \$14,203 towards Bush Regeneration Training for all Council's Parks & Gardens Staff, Landcare and Parkcare Volunteers.
2. That Council's \$14,203 share of funding be provided from Citywide Grant Matching Funds.
3. That the budget be amended accordingly.

CARRIED UNANIMOUSLY

11.5 Bushfire Mitigation Program Grant Funding (8757121)

8 RESOLVED: Jeffreys/Hawker

That the Council resolve to accept the grant funds of \$2,000 under the Bushfire Mitigation Program for the upgrade of one fire trail at Croom Reserve and amend the budget accordingly.

CARRIED UNANIMOUSLY

MATTER ARISING

9 RESOLVED: Mifsud/Jeffreys

That Council Officers provide a report outlining an assessment of risk in regard to other fire trails in the City to the next Council Meeting.

CARRIED UNANIMOUSLY

11.6 Stores & Material Stocktake (8677194)

10 RESOLVED: Stewart/Briggs

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 \$818.75.

CARRIED UNANIMOUSLY

11.7 Stores LTA Stocktake (8677184)

11 RESOLVED: Bailey/Briggs

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 \$309.35.

CARRIED UNANIMOUSLY

11.8 DA 503/2004 - Road Naming Cul-de-Sac off Rivulet Crescent, Albion Park Rail (8672862)

12 RESOLVED: Bird/Gillett

1. That the following road name be adopted for the Cul-de-Sac at Albion Park Rail:

Delta Place

2. That the adopted road name be:

a. placed on public exhibition for a period of one month by way of an advertisement in the Lake Times

b. submitted to the relevant authorities in accordance with Clauses 7 – 10 of the *Roads(General) Regulation 2000*

c. in the event that submissions are received, the matter be reported back to the Council.

CARRIED UNANIMOUSLY

12. Community Planning & Strategies Division

12.1 Draft Shellharbour LEP 2000 (Amendment No 8) (8676385)

13 MOTION: Gillett/Bird

That in accordance with section 68 of the Environmental Planning and Assessment Act 1979, Council adopt the Shellharbour Local Environmental Plan 2000 – Amendment No 8 to:

1. Rezone Lot 13 DP 15987, 117 Fisher Street from zone 9(c) Local Roads Reservation to zone 2(a) Residential; and
2. Reclassify Part Lot 3 DP 259967, Captain Cook Drive, Blackbutt, Lot 2 DP 605483 and Lot 71 DP 788843 Pioneer Drive Oak Flats, from Community Land to Operational Land within the meaning of the Local Government Act; and
3. Insert proposed clause 41A into SLEP 2000 which reads:
41A Controls to promote commercial hierarchy within Zone 5(a) – Lot 2 DP 605483 and Lot 71 DP 788843

Despite any other provisions of this plan, the Council may only consent to the development of land within Zone 5(a) known as the Oak Flats interchange site, being Lot 2 DP 605483 and Lot 71 DP 788843, Pioneer Drive, Oak Flats for the following purposes:

- i) An integrated bus, rail and road interchange facility that may include car parking, commuter drop off and pick up areas, bus stops, taxi ranks, bus and taxi shelters and bus driver facilities; or
 - ii) Retail and commercial development ancillary to the interchange facility that support, but do not significantly detract from, the commercial viability of the Oak Flats Commercial centre. These developments may include land uses which serve the needs of commuters, such as a convenience store, medical or emergency service providers, child care centre or pre-school and any transport or interchange related uses; or
 - iii) Public buildings, and
1. Forward the Draft Plan and required information to the Department of Planning for approval by the Minister.

A lengthy discussion took place regarding the proposed reclassifications.

In response to a question from Councillor Bird regarding the concern expressed in public forum regarding the number of dwellings which might be constructed on the land in Captain Cook Drive, the Group Manager Planning Services advised that any future development would be subject to a Development Application, which would be assessed, and residents would have the opportunity to submit concerns at that time.

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Councillor Mifsud requested advice on how much open space there is in Oak Flats in relation to other suburbs.

The Mayor stated that he would take this question on notice.

Councillor Mifsud MOVED a POINT of ORDER that Councillor Gillett should not have been critical of Councillor Stewart's previous suggestion.

The Mayor did not allow the point of order and stated that Councillor Gillett was entitled to express her opinion during her right of reply.

Councillor Mifsud MOVED a POINT of ORDER and questioned where Councillor Gillett had received the statistics she was quoting regarding the percentages of community land per ward.

The Mayor disallowed the point of order and ruled that Councillor Gillett was in order.

The Motion was put to the meeting and was CARRIED 9/4 (Bailey, Mifsud, Rose and Stewart)

MATTERS ARISING

Councillor Hore requested advice on why only Ward Councillors were invited to the public hearing regarding reclassification.

The Mayor advised that Ward Councillors were advised of the public hearing for their information only.

The Director Community Planning & Strategies stated that if Councillors were to contribute to a debate at a public hearing it could lead to a potential conflict of interest when the matter is deliberated at Council.

MOTION: Hore/Rose That in future all Councillors be notified of public hearings and policy matters irrespective of affected Ward.

In reply to a question from Councillor Stewart the Mayor and General Manager both advised that operational matters would not be subject to notification.

14 The MOTION on being PUT to the Meeting was CARRIED UNANIMOUSLY

12.2 Renewal of Alcohol-free Zones (8679081)

In response to questions from several Councillors, the Group Manager Community Services advised that many criteria are used to determine the appropriateness of a location to be declared an Alcohol Free Zone. The Mayor told the Councillors that if any residents approach the Councillors with concerns, the residents should be told to bring those concerns to Council's Community Services Department

MOTION: Leedham/Hore

That Council renew the following current alcohol-free zones, subject to any substantive objections received in response to an announcement of this proposal in the "Lake

Times” and following a subsequent declaration of the establishment of the AFZ in the same publication, effective seven days after such declaration:

- (1) Shellharbour Village – Dusk to dawn every day for three years:-
 - a) The full stretch of Addison Street from its intersection with Shellharbour Road to its intersection with Wollongong Street;
 - b) Pioneer Park;
 - c) The stretch of Wollongong Street from its intersection with Towns Street to its intersection with Addison Street;
 - d) The stretch of Towns Street from its easternmost point to its intersection with Wollongong Street;
 - e) All public land to the south of Towns Street and the east of Wollongong Street from (and including) Cowrie Reserve to the north, to the northernmost point of John Street to the south;
 - f) John Street and the car park at the end of John Street.

- (2) Warilla – 24 hours every day for three years:-
Crew Park, Fryer Park, the whole of Harvey Street, the stretch of Queen Street east from King Street to Harvey Street, and the stretch of King Street north from Harvey Street to Queen Street.

Councillor Rose FORESHADOWED a MOTION that part 1 of the recommendation be deferred for further consideration, but that part 2 be adopted.

15 The MOTION on being PUT to the Meeting was CARRIED : 9/2 (Rose and Mifsud)

12.3 Celebrating Illawarra Women Writers and Poets - International Women's Day 2007 (8677591)

16 RESOLVED: Jeffreys/Bailey

That Council accept the grant of \$950 from the NSW Minister for Women to assist with events for International Women's Day 2007 celebrating the achievements of local women writers and poets, and adjusts the budget accordingly.

CARRIED UNANIMOUSLY

13. Shell Cove Business Division

13.1 Shell Cove - Lease of building for telecommunications (8677965)

17 RESOLVED: Rose/Mifsud

1. That Council grants a lease to Telstra, over proposed Lot 9001 (a subdivision of Lot 1168 DP1076113), on the terms outlined in this report.
2. That Council affix the Seal of Council on the lease and other associated documents.

CARRIED UNANIMOUSLY

14. Committee Recommendations

14.1 Recommendations from the Economic Development Advisory Committee Meeting held 6 December 2006 recommended for adoption.

18 RESOLVED: Greig/Hawker

That the Recommendations from the Economic Development Advisory Committee Meeting held 6 December 2006 be adopted.

CARRIED UNANIMOUSLY

14.2 Recommendations from the Australia Day/Special Promotions Committee Meeting (in Committee of the Whole) held 11 December 2006 recommended for adoption.

19 RESOLVED: Hawker/Leedham

That the Recommendations from the Australia Day/Special Promotions Committee (in Committee of the Whole) Meeting held 11 December 2006 be adopted.

CARRIED UNANIMOUSLY

15. Notices of Rescission Motion

15.1 Notice of Rescission submitted by Councillors Bailey, Mifsud and Rose (8663430)

Note: Councillor Greig declared an interest in Item 15.1 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

RESCISSION MOTION: Bailey/Mifsud that Item 11.1 of the 12th December 2006 be rescinded.

20 The RESCISSION MOTION on being PUT to the Meeting was LOST 6/6 - on the casting vote of the Mayor

Councillors Briggs, Bailey, Mifsud, Rose, Jeffreys and Stewart supported the Notice of Rescission. The Mayor and Councillors Hawker, Hore, Leedham, Bird and Gillett were against.

Councillor Greig here returned to the Chamber.

16. Notices of Motion

17. Items for Information

17.1 Koono Bay Shareway - Public Exhibition (8679991)

17.2 Investments (8680137)

17.3 LATE REPORT Alliance - Joint Venture Initiative between Shellharbour City and Wingecarribee Councils (8681383)

21 RESOLVED: Hawker/Leedham

That Council receive and note the items for information.

CARRIED UNANIMOUSLY

18. Questions without Notice

22 Councillor Stewart asked if a date has been set for the Dogs Day Out.

The Director Operations & Services advised that local approval has been granted and the date will be confirmed shortly.

23 Councillor Stewart asked whether it was possible to consider the closure of the laneway between Kingston and Griffiths Street Oak Flats to be formalised by a licence rather than a lease.

24 Councillor Jeffreys asked whether due to recent legislation changes, Councillors could now voluntarily contribute to their superannuation from their Councillor allowance.

25 Councillor Jeffreys asked if Council removes tress from residents' yards such as established palms could these be relocated to Council's parks and gardens.

The Director Operations & Services advised that this would be very rare and that it would have to be a significant species.

26 Councillor Jeffreys asked whether assistance could be provided with the appropriate wording of Rescission Motions.

The General Manager advised that he had done this in the past and would continue to monitor them in the future.

27 Councillor Jeffreys asked for clarification of Councillors' responsibility as to whether they are Ward Councillors or rather Councillors with responsibility for the whole City.

28 Councillor Jeffreys advised that the ALGWA conference is being held in Lismore between 4-6 May and invited Councillors and staff to attend.

29 Councillor Leedham asked whether Council or local business are going to put in submissions for Innovation Week.

The General Manager advised that Council will notify members of the Small Business Network and encourage them to make submissions.

30 Councillor Bird advised that a resident has reported a street sign at Kookaburra Street Blackbutt missing and asked the appropriate course of action by the residents for such matters.

The Director Operations & Services advised that the resident should notify Council through Customer Services.

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- 31 Councillor Rose** asked when Council contributed an extra \$480,000 to the Lake Entrance work was Council aware that the State Labour Government was not going to match that amount and also was Council aware of the intention to shorten the wall.

The Director Operations & Services advised that the State Government had given a commitment to meet 50% of the cost, Wollongong Council would meet 25% and Shellharbour Council would meet 25% and no decision has been made by the Lake Illawarra Authority regarding the shortening of the Northern wall.

- 32 Councillor Rose** sought to ask a question of Councillor Leedham regarding the shortening of the wall but the Mayor refused to allow the question, ruling that it had just been answered by the Director Operations & Services.

- 33 Councillor Rose** asked the General Manager if no profit is to be made from land sales at Shell Cove until 2008 how will the marina be funded?

The General Manager advised that he would not answer the question in open Council

- 34 Councillor Rose** asked why homes in Tullimbar were not required to install water tanks.

The Manager Development Services advised that the first 39 homes were approved before the Basix Legislation. All other houses will be required to comply.

- 35 Councillor Rose** advised that at Bass Point a table and seats have been installed on the footpath and circulated a photograph and suggested that this be investigated urgently as this posed a risk.

The General Manager undertook to have it assessed as quickly as possible.

- 36 Councillor Rose** asked why the gates at Shellharbour Surf Club on the function centre side were being closed at 6.00pm when the sign states dusk to dawn.

- 37 Councillor Rose** asked why residents are being asked to pay for kerb and guttering on the Princes Highway at Albion Park Rail when the RTA are providing grant funding and suggested this was a case of "double dipping".

The Mayor replied that there was no "double dipping".

- 38 Councillor Rose** requested that the beach at Little Park be raked.

- 39 Councillor Mifsud** asked Council to rethink their position in regards to the driving range at Shellharbour Links.

The General Manager advised that he is reviewing all options at the golf course precinct including the driving range.

- 40 Councillor Mifsud** asked if a date has been set for the start of the upgrade to the Shellharbour Cemetery carpark.

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- 41 Councillor Mifsud** asked why there were 2 witches hats placed in the playground at Bardsley Park.

The Director Operations & Services advised that the witches hats were to be investigated and advised for information that the replacement of the fence is scheduled for completion at the end of the month.

- 42 Councillor Mifsud** asked when will Council be meeting with Mr Costello regarding his concerns about work at John Street Shellharbour.

The Director Operations & Services advised that the design has just been completed and his staff will be organising a meeting with Mr Costello in the near future.

- 43 Councillor Bailey** requested that the cost of rides at previous events at the Lake Foreshore be investigated.

- 44 Councillor Hawker** asked how often playground equipment is inspected.

The Group Manager Works & Services advised the equipment is inspected once every three months.

- 45 Councillor Greig** advised that she had received an email from the Chamber of Commerce advising of a meeting being organised by Delmo to explain what they will be doing in the Albion Park Area, which she said she would forward on to Council staff for their information. Councillor Greig asked whether Council was aware of this meeting.

The Director Community Planning & Strategies advised that his understanding is that Council is not aware of the proposed meeting by Delmo.

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

Meeting closed 9.10 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 27 February 2007

General Manager

Chairperson