

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 20 March 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 Development Services	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
Corporate Meetings Officer	J Larsen
Executive Assistant	L Davey

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 27 February 2007

MOTION: Hawker

That the Minutes of the Ordinary Council Meeting held on 27 February 2007 be confirmed as a correct record of proceedings subject to the Minutes showing Councillor Hawker protesting to the Meeting that Councillor Bailey was making a joke of what was a serious issue.

Councillor Hawker requested an amendment to Item 11.1 and stated that he believed that it was he who had made the comment that Councillor Bailey was treating the matter as a joke. Councillor Bailey disagreed with Councillor Hawker's recollection.

Councillor Briggs MOVED a POINT of ORDER that there was no seconder. He then seconded the Motion.

The General Manager stated that he must give attention in the Minutes to formal Points and Procedural Motions and this was why he was duty bound to include the matter in the minutes, otherwise he was keeping the Minutes in accordance with Council policy.

The Mayor formally warned the Councillors to behave and should they not maintain decorum in the Meeting he would take action.

78 The MOTION on being PUT to the Meeting was CARRIED 9/4

FOR: Councillors Hamilton, Greig, Hawker, Briggs, Bird, Gillett, Leedham, Hore, Stewart
AGAINST: Councillor Bailey
ABSTAINED: Councillors Mifsud, Rose, Jeffreys

4.2 Committee of the Whole 27 February 2007

79 RESOLVED: Briggs/Greig That the Minutes of the Committee of the Whole Meeting held on 27 February 2007 be confirmed as a correct record of proceedings.

5. Pecuniary Interest

Note: Councillors who declare a Pecuniary Interest at the Council Meeting are also required to complete a Pecuniary Interest Declaration form.

Councillor Hawker: Item 12.4 Community Based Child Care Rates

Nature of Interest: Councillor Hawker is the auditor of one of the organisations named in the report.

6. Condolences

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

Mr Raymond (Mick) Pearson	of	Albion Park
Mrs Gayle nee Green Baz	of	Albion Park Rail
Mrs Ana Cavlovic	of	Barrack Heights
Mrs Colleen Ann Mitchell	of	Barrack Heights
Mr Bernie Raymond Nolan	of	Lake Illawarra
Mr Emidio (Emy) Callus	of	Mt Warrigal
Ms Helen Mitchell	of	Mt Warrigal
Mr Trevor Scott Baldwin	Formerly of	Oak Flats
Mrs Dorothea Bezold	of	Oak Flats
Mr Boyd Braidwood	of	Oak Flats
Mr Peter Hudson	of	Oak Flats
Mr John (Jack) Pearce	of	Oak Flats
Mr Bob (George) Snape	of	Oak Flats
Mr Kevin Gibbins	of	Shellharbour
Mr Theo Wiekart	of	Shellharbour
Mrs Adeline Joyce Fletcher	of	Warilla

80 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

81 RESOLVED: Mifsud/Rose

That the Meeting acknowledge the presence of ex Mayor/Councillor Joan Vinton in the public gallery.

11. Operations & Services Division

11.1 Section 82A Review - DA No. 767/2004 - Lots 3 & 4, DP 238015, 78 & 78A Addison Ave, Lake Illawarra - Demolition of Existing Bldg, Construction of 3 Storey Mixed Use Bldg - 2 Retail/Commercial Units, 6 Residential Units & Strata Subdivision (8640525)

MOTION: Hore/Leedham

That the Council consider the request to review the determination of Development Application No. 767/2004 under Section 82A of the *Environmental Planning & Assessment Act 1979*, as amended for the demolition of existing building, construction of a three storey mixed use building containing two retail/commercial units, six residential units and strata subdivision at Lots 3 & 4, DP 238015, 78 & 78A Addison Avenue, Lake Illawarra and approve the development subject to conditions which are in accordance with Council's existing policies and two further conditions with regard to disabled parking and privacy as follows:

- The accessible car parking space annotated on plan "Redgrave Development", Ground Floor Plan Job No. 0011-RR-DA-B, dated August 2006 as space No. 1 "access parking" must be relocated to be adjacent to the entries of the development. In doing so, the applicant should refer to conditions of consent relating to people with disabilities to ensure sufficient width, gradients and the like are provided. The applicant may be required to redesign the doorways into the development to provide sufficient widths and including

door latches and circulation areas. Full details must be shown on plans accompanying the Construction Certificate.

- A privacy screen in the form of a pergola/trellis/screen such as frosted glass, timber slats or combination thereof, including landscaping, must be provided to the balconies on the first and second floor facing the laneway. The screen must obstruct the line of vision into the adjoining rear yards. Details concerning privacy measures must be shown on construction certificate drawings and be endorsed by a qualified designer. Refer also to Condition Nos. 4, 9 and 51 in this Consent.

Councillor Gillett FORESHADOWED a MOTION that the recommendation in the report be adopted.

Several Councillors asked if it was possible to have an urgent review of the Development Control Plans (DCPs).

The Group Manager Planning Services advised that all DCPs are to be consolidated and reviewed by 2009. He added that interim changes could be made but the implications may be that a second review would be necessary and it would stretch Council's resources.

82 The MOTION on being PUT to the Meeting was CARRIED 9/4

FOR: Councillors Hamilton, Greig, Hawker, Briggs, Mifsud, Rose, Leedham, Hore, Stewart

AGAINST: Councillors Bailey, Bird, Gillett, Jeffrey

Councillor Leedham requested that in the small Council car park, east of the shops, that a disabled car parking space be provided and the remaining parking spaces be clearly marked.

11.2 Local Approval No. 13/2007 - Lot 1, DP 864448, 69-83 Princes Highway, Albion Park Rail - Proposed 12th Supercruise Charity Event (8699814)

The Mayor advised the meeting that the Applicant had withdrawn the application for Local Approval.

11.3 Princes Highway, Albion Park Rail - Drainage and Kerb & Gutter - RTA Funding Offer (8698655)

Note: The report relating to this item was replaced by Item 11.3a.

11.3a LATE REPORT - Princes Highway, Albion Park Rail - Drainage and Kerb & Gutter - RTA Funding Offer (8702327)

83 RESOLVED: Bird/Gillett

1. That the Council accepts the RTA's offer of \$43,500 for drainage, parking lane and kerb & gutter on the Princes Highway at Albion Park Rail.
2. That the Council allocates \$13,497 from 'Ward F Works' for the work.
3. That the Council allocates \$23,450 from 'Ward F Grant Matching Funds' for the work.
4. That the Council allocates \$591 from 'Ward F Traffic Facilities' for the work.
5. That the Council require resident contributions in accordance with the *Roads Act* and Council's Fees and Charges.
6. That the budget be amended accordingly.
7. That the Council consider the allocation of the balance of funds as part of the 2007/2008 budget process for the Main Road Network in the Capital Works Program.

CARRIED UNANIMOUSLY

11.4 Installation of a Roundabout at the Intersection of Terry Street & Church Street, Albion Park (8699329)

84 RESOLVED: Hawker/Greig

1. To allocate \$787 in Citywide Grant Matching Funds toward the construction of the roundabout.
2. To allocate \$14,000 from Ward A Works Funds towards the construction of the roundabout.
3. To amend the budget accordingly.

CARRIED UNANIMOUSLY

11.5 Amended Fees & Charges - Dunmore Recycling & Waste Disposal Depot (8699538)

85 RESOLVED: Jeffreys/Bailey

1. That the Council amend the fee charged for the disposal of mixed waste at the Dunmore Recycling & Waste Disposal Depot from:

\$88/tonne (inc GST) to \$105/tonne (inc GST) for weighed vehicles
\$22 (inc GST) to \$26 (inc GST) for utes/trailer – unsorted
\$20 (inc GST) to \$24 (inc GST) for utes/trailer –sorted

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\$12 (inc GST) to \$14 (inc GST) for utes/trailer – half load

\$6.50 (inc GST) to \$7.50 (inc GST) for cars and MGBs

2. That the Council resolve to apply the amended tipping fees from 1 April 2007.

CARRIED: 10/3

FOR: Councillors Hamilton, Greig, Hawker, Briggs, Bailey, Gillett, Bird, Hore, Leedham, Jeffreys

AGAINST: Councillors Mifsud, Rose, Stewart

11.6 Installation of Power Outlet - L R Mood Park, Albion Park (8699306)

86 RESOLVED: Hawker/Greig

1. That \$7,500 be re-allocated from the current allocation for the Albion Park Streetscape to fund the installation of a power outlet within L R Mood Park, Albion Park.
2. That Council's 2006/2007 budget be amended accordingly.

CARRIED UNANIMOUSLY

11.7 Requests for Donation (8697512)

87 RESOLVED: Hawker/Greig

That Council resolve to donate the following contributions totalling \$3,000.00:

1. Illawarra Ethnic Communities Council – Links to Learning Program
2. Megan Newell
3. Oak Flats Senior Citizens Club Inc.
4. Southern Illawarra Catholic Schools – Yr 6 Leader's Day
5. St Paul's Anglican Church – 150 years celebrations
6. WIRES
7. Healthy Cities Illawarra Inc.
8. Kylie Jackson

CARRIED UNANIMOUSLY

11.8 DA 741/2002 (Pt 4) Road Naming for Tullimbar Village - Stage 2, off Illawarra Highway, Yellow Rock (8672843)

88 RESOLVED: Greig/Hawker

1. That the following road names be adopted for Tullimbar Village Estate Stage 2:

Balmoral Parade
Hyams Lane
Joadja Lane
Otford Lane
Woollamia Lane
Yarrowa Street

2. That the adopted road names 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

11.9 Acquisition of easement over Lots 1 & 2 DP 529282 Shellharbour Road, Shellharbour (8699775)

Councillor Hore asked whether works could be interrupted for any funerals that take place while the work is being carried out.

The Director of Operations & Services advised that he will contact the Roads and Traffic Authority in regard to this.

89 RESOLVED: Briggs/Jeffreys

1. That Council advise the Roads and Traffic Authority that they may proceed with the works required to relocate the power lines and install the transformer over Lots 1 & 2 DP 529282 and proceed with the acquisition for the easement based on a valuation to be carried out by Council's valuer.
2. The Roads and Traffic Authority be advised that they must restore any damage to Council property associated with the creation of the easement.
3. The Roads and Traffic Authority be advised that the creation of the easement and works associated will be at no cost to Council.

4. That the Seal of Council be affixed on all documentation necessary for the creation of the easement.

CARRIED UNANIMOUSLY

11.10 Land & Environment Court Proceedings 10199 of 2006 - DA 362/2005 - 38 Wollongong Street, Shellharbour (8700605)

- 90 RESOLVED: Hawker/Leedham

That Council rescind that part of resolution 290 of Tuesday 4 July 2006 relating to the public release of the confidential business papers following completion of Land and Environment Court proceedings.

CARRIED UNANIMOUSLY

- 91 RESOLVED: Hawker/Leedham

That the confidential business papers be publicly released following completion of Land and Environment Court proceedings to the extent that legal professional privilege not be waived as between Council and its solicitors, and not be infringed as between the applicant and the applicant's solicitors, and the applicant's solicitors and Council's solicitors.

CARRIED UNANIMOUSLY

12. Community Planning & Strategies Division

12.1 Renewal of AFZ at Skiway Park Oak Flats and Blackbutt Reserve (8698561)

- 92 RESOLVED: Briggs/Bailey

That Council re-establishes the current alcohol-free zones (detailed below) between dusk and dawn every night for three years with effect from the expiry date of the existing designations.

- a) The whole of Skiway Park, The Esplanade, Oak Flats;
- b) the whole of Blackbutt Reserve.

CARRIED UNANIMOUSLY

12.2 Communities for Children Grant Funding (8700049)

93 RESOLVED: Briggs/Jeffreys

1. That Council accepts the grant from Barnardo's Australia and amends the budget to reflect the part payment of \$85,000 for the current financial year.
2. That the General Manager be authorised to execute the funding documents, under the Seal of Council if deemed necessary by the funding body.

CARRIED UNANIMOUSLY

12.3 Aboriginal Advisory Committee (8700634)

94 RESOLVED: Jeffreys/Bird

1. That Council endorse the 'Shellharbour City Council Aboriginal Advisory Committee 'Terms of Reference'.
2. That Council appoints the following Community Representatives to the Aboriginal Advisory Committee until September 2008;

Mr Gerald Brown, Community Representative
Mr Shane Ford, Illawarra Koori Mens Support Group
Mr Darrell Brown, Government Agency
Ms Mary Davis, Community Representative
Mrs Bev Armer, Illawarra Local Aboriginal Land Council
Mr Geoffrey McAdam, Community Representative
Ms Tina McGhie, Shellharbour Aboriginal Community Youth Association
Mr Richard Davis, Community Representative
Mr James Mulholland, Community Representative
Mrs June Lowe, Community Representative
Ms Agnus Donovan, Community Representative
Mrs Rhonda Cruse-Rawiri, Illawarra Aboriginal Corporation
Mr Gerry Moore, Aboriginal Legal Services NSW/ACT Ltd
Mr Barry Lenihan, NSW Police, Lake Illawarra Local Area Command
Mrs Joy Brown, Community Representative
Ms Vanessa Martins, Community Representative
Ms Jodi Edwards, Community Representative

CARRIED UNANIMOUSLY

12.4 Community Based Child Care Property Rates (8700295)

Note: Councillor Hawker 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.

95 RESOLVED: Briggs/Bailey

That Council choose to continue to levy rates on the community based child care services, which occupy Council controlled premises.

CARRIED UNANIMOUSLY

Councillor Hawker here returned to the Chamber.

13. Shell Cove Business Division

Nil

14. Committee Recommendations

14.1 Recommendations from the Disabilities Services Advisory Committee Meeting held 21 February 2007 recommended for adoption.

96 RESOLVED: Briggs/Leedham

That the Recommendations from the Disabilities Services Advisory Committee Meeting held 21 February 2007 be adopted.

14.2 Recommendations from the Aboriginal Advisory Committee Meeting held 6 March 2007 recommended for adoption.

97 RESOLVED: Bird/Jeffreys

That the Recommendations from the Aboriginal Advisory Committee Meeting held 6 March 2007 be adopted.

14.3 Recommendations from the Traffic Committee Meeting held 7 March 2007 recommended for adoption.

98 RESOLVED: Greig/Leedham

That the Recommendations from the Traffic Committee Meeting held 7 March 2007 be adopted.

Councillor Stewart requested that all Councillors be advised when ward funds are being expended.

Councillor Gillett reiterated the need for Council to consider the movement of garbage trucks during the Anzac Day Service.

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

17.1 Jock Brown Awards (8700992)

17.2 Shell Cove (8701028)

17.3 Clean Up Australia 2007 (8699634)

17.4 Operation of Lake Illawarra Tourist Kiosk (8700183)

17.5 Youth Week 14th April to 22nd April 2007 (8701071)

17.6 Funding of Good Neighbour Scheme (8701091)

17.7 Investments (8699514)

99 RESOLVED: Rose/Hawker

That Items 17.1, 17.2, 17.3, 17.5, 17.6 and 17.7 be received and noted.

Further that Councillors receive more information regarding Item 17.4.

CARRIED UNANIMOUSLY

18. Questions without Notice

- 100 Councillor Stewart** indicated there had been many reports regarding the shortening of the lake wall. She asked if this would have any impact on the objectives of the project.

The Director of Operations & Services responded that the Lake Authority has advised that the depth of water and thus the sand profile has significantly changed; they are putting more rock into the wall currently to counter the extra depth, and to continue would greatly exceed the value of the project through extras, so it was agreed to shorten the wall. There will be fluctuations, however the average should allow this to succeed successfully. The dredging is a separate contract and is currently underway.

- 101 Councillor Stewart** requested that an in house course be organised for Councillors to assist them in reading the budget and other financial matters.

- 102 Councillor Jeffreys** requested that Council consider providing a “place mat” style map of Shellharbour City for Councillors’ desks at the Chambers.

- 103 Councillor Jeffreys** asked if it would be a viable option for Council to put forward a motion to set a percentage of variance to Development Control Plans as an interim measure until a review can be carried out.

Group Manager Planning Services advised this was not an option.

- 104 Councillor Gillett** asked if Councillors were aware of the Focus on Harmony Art Exhibition currently taking place at the Warilla Bowls & Recreation Club and suggested Councillors may wish to attend.

- 105 Councillor Rose** asked if Council could request that the Roads & Traffic Authority allow a buffer zone and install a sound barrier along both sides of Shellharbour Road where the road will be widened to four lanes to reduce noise for neighbouring residents.

- 106 Councillor Rose** asked if Council would be advertising the Chisholm Park Anzac Day Service.

- 107 Councillor Mifsud** requested an update on the installation of underground power in Addison Street, Shellharbour.

The Group Manager Technical Services & Development stated that advice would be provided in the next couple of weeks.

- 108 Councillor Bailey** congratulated Council for quick action in eradicating the rats at the Albion Park Rail shops.

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- 109 Councillor Briggs** requested that a copy of the new brochure on Shell Cove be provided to all Councillors.
- 110 Councillor Briggs** requested a report to the next Council Meeting on the implications of recent taxation changes relating to superannuation.
- 111 Councillor Briggs** requested a drain cover be urgently repaired on the corner of Morgan Avenue and Landy Drive, Mount Warrigal.
- 112 Councillor Hawker** has received complaints from residents in Pollock Crescent, Albion Park regarding water pressure when work is being carried out and ask if this could be investigated.
- 113 Councillor Hawker** asked when line marking in Terry Street, Albion Park will be re-installed after recent works.
- 114 Councillor Greig** asked if rate payers could be issued with vouchers once a year to dispose of their rubbish at no cost.

The Director of Operations & Services advised that this could be considered under any new agreement and that the current contract is due to expire shortly.

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 10 April 2007.

General Manager

Chairperson