

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 01 May 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**

Director of Operations & Services	A Webster
Director of Community Planning & Strategies	P O'Rourke
Director Shell Cove Business Unit	P Woodcock
Group Manager Corporate Services	T Gearon
Group Manager Works & Services	C Watt
Group Manager Customer & Env. Services	G Standen
Traffic Engineer	L Preston
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	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)**

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

Nil.

### **4. Confirmation of Minutes**

#### **4.1 Ordinary Meeting 17 April 2007**

161 RESOLVED: Greig /Hore That the Minutes of the Ordinary Council Meeting held on 17 April 2007 be confirmed as a correct record of proceedings.

#### **4.2 Committee of the Whole 17 April 2007**

162 RESOLVED: Hore /Gillett That the Minutes of the Committee of the Whole Council Meeting held on 17 April 2007 be confirmed as a correct record of proceedings.

#### **4.3 Extraordinary Meeting 19 April 2007**

Note: Councillor Mifsud noted that the Director Shell Cove Business Unit was listed as attending the Extraordinary Meeting, but was in fact absent.

163 RESOLVED: Greig /Hore That the Minutes of the Extraordinary Council Meeting held on 19 April 2007 be confirmed as a correct record of proceedings with the deletion of Mr Phil Woodcock from the attendance record of the minutes..

#### **4.4 Extraordinary Meeting (Committee of Whole) 19 April 2007**

The Mayor pointed out to Councillors, Rose, Stewart and Briggs may have a perceived Pecuniary Interest in this item.

Councillors Rose, Stewart and Briggs declared an interest in Item 4.4 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

MOTION: Greig/Hore That confirmation of the Minutes of the Extraordinary Council Meeting (Committee of the Whole) held on 19 April 2007 be deferred to allow time for further consideration of the contents and discussion at a confidential meeting before adoption at the next Council Meeting.

Councillor Mifsud FORESHADOWED a MOTION that the Minutes be confirmed at tonight's meeting as he saw no technical reason to defer.

164 The MOTION on being PUT to the Meeting was CARRIED

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys

AGAINST VOTE - Cr Bailey, Cr Mifsud

Cr Briggs has returned from temporary absence at 07:26 PM

Cr Rose has returned from temporary absence at 07:26 PM

Cr Stewart has returned from temporary absence at 07:26 PM

## 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 Mifsud:** Item 11.7 Affixing Council Seal to Deed of Rescission - Lot 6038 Killalea Drive, Shell Cove.

**Nature of Interest:** Councillor Mifsud's business is engaged to supply materials to Marksman Homes.

## 6. Condolences

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

Mr Paul Gordon Kent	of	Albion Park Rail
Mr Daniel Muniz	of	Albion Park Rail
Mr Karl Heinz Mathein	of	Barrack Heights
Mrs Robin Mostyn	of	Flinders
Mr Brian Gordon Dunn	of	Lake Illawarra
Mr Roy Clive Rule	of	Lake Illawarra
Mrs Erika Bauer	of	Mt Warrigal
Mrs Jolan (Joli) Hinek	of	Mt Warrigal
Mrs Shirley Taylor	of	Mt Warrigal

Mrs Marjorie (Nan Johnston) Johnston	of	Oak Flats
Mr Milton Miller	of	Oak Flats
Mr Stephen Noel Prior	of	Oak Flats
Mr Walter Kenneth Pitt	of	Shellharbour
Mrs Laura Campoy	of	Warilla
Mrs Jacqueline Furlong	of	Warilla
Ms Maddison Amelia Harvey	of	Warilla
Mrs Julia Marion (Marie) Peachey	formerly of	Warilla
Mr Reginald Wright	of	Warilla

165 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 NSW Coastline Cycleway - Barrack Point Shared Use Path (8718302)**

In answer to a question from Councillor Rose, the Director of Operations & Services advised that changes to the Fees & Charges Policy may be considered by Council when adopting the 2007/2008 Budget in June 2007.

166 RESOLVED: Briggs / Bird

1. That the Council accepts the NSW Department of Planning's offer of \$150,000 for part funding to construct a shared use path from the headland of Barrack Point to the entrance of Elliott Lake.
2. That the Council consider the allocation of the required matching funds as part of the 2007/2008 Budget Process.
3. That the budget is amended accordingly.

FOR VOTE - Cr Hamilton, Cr Greig, Cr Hawker, Cr Briggs, Cr Gillett, Cr Bird, Cr Hore, Cr Leedham, Cr Jeffreys, Cr Bailey  
AGAINST VOTE - Cr Mifsud, Cr Rose, Cr Stewart

### **11.2 Grey Street Reserve Shared Use Path - Approval of Preferred Option (8718341)**

Councillor Greig requested advice on who had received notice of the proposed shared use path, residents or owners?

Director Operations and Services advised that he would take the question on notice.

167 RESOLVED: Greig/Hawker

1. That the Council approve Option 2 the off road route on the eastern side of the pond for the Grey Street Shared Use Path including deletion of the additional 20m link to Fleet Crescent.
2. That the Council consider the allocation of funds as part of the 2007/2008 Budget Process.

CARRIED UNANIMOUSLY

**11.3 Koona Bay Shared Use Path - Approval of Preferred Option (8718871)**

168 RESOLVED: Briggs/Bird

That Council defer consideration of this item in order for a site inspection by Council Officers and Councillors only to take place and follow with a detailed report from Council Officers.

CARRIED UNANIMOUSLY

**11.4 Tullimbar Village Building Design Guidelines - Stages 1b(6) (8716709)**

169 RESOLVED: Hawker/Greig

That the Council approve the Tullimbar Village Building Design Guidelines for Stage 1b(6)

CARRIED UNANIMOUSLY

**11.5 GST Certificate (8716542)**

170 RESOLVED: Jeffreys/Greig

That Council make the GST Certificate (as attached) and approve the application of the signatures by the Mayor, one other Councillor and the General Manager to that Certificate, as is required for GST compliance.

CARRIED UNANIMOUSLY

**11.6 Renewal of Tennis Clubs licence agreements (8678327)**

171 RESOLVED: Briggs/Bailey

1. That Council renew the licence agreement with Graham Park Tennis Club Inc for the occupation of part lot 24, DP 11679 Section G Peterborough Avenue, Lake Illawarra for a further five (5) years at a fee of \$1.00 per annum.

Further that the Seal of Council be affixed to the licence agreement with Graham Park Tennis Club Inc for the occupation of part lot 24, DP 11679 Section G Peterborough Avenue, Lake Illawarra.

2. That Council renew the licence agreement with Oak Flats Tennis Club Inc for the occupation of part lot 1 DP 224750 Kingston Street, Oak Flats for a further five (5) years at a fee of \$1.00 per annum.

Further that the Seal of Council be affixed to the licence agreement with Oak Flats Tennis Club Inc for the occupation of part lot 1 DP 224750 Kingston Street, Oak Flats.

3. That Council renew the licence agreement with Albion Park Tennis Club Inc for the occupation of part lot 1000 DP 813443 Tongarra Road, Albion Park for a further five (5) years at a fee of \$1.00 per annum.

Further that the Seal of Council be affixed to the licence agreement with Albion Park Tennis Club Inc for the occupation of part lot 1000 DP 813443 Tongarra Road, Albion Park.

4. That Council renew the licence agreement with Albion Park Rail Tennis Club Inc for the occupation of part lot 140 DP 213767 Tongarra Road, Albion Park Rail for a further five (5) years at a fee of \$1.00 per annum.

Further that the Seal of Council be affixed to the licence agreement with Albion Park Rail Tennis Club Inc for the occupation of part lot 140 DP 213767 Tongarra Road, Albion Park Rail.

5. That Council renew the licence agreement with Shellharbour & Kiama District Tennis Club Inc for the occupation of part Lot 1, DP 216772, Croome Road, Croom, for a further five (5) years at a fee of \$858.00 per annum.

Further, that the audited financial statements for the previous financial year be submitted to Council by 30 September each year of the licence.

CARRIED UNANIMOUSLY

**11.7 Affixing Council Seal to Deed of Rescission - Lot 6038 Killalea Drive, Shell Cove (8718264)**

Note: Cr Mifsud declared an interest in Item 11.7 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

172 RESOLVED: Bird/Briggs

That Council resolve to affix the Seal of Council to the Deed of Rescission for Lot 6038 Killalea Drive, Shell Cove.

CARRIED UNANIMOUSLY

ABSENT. DID NOT VOTE - Cr Mifsud

Councillor Mifsud here returned to the Chamber.

**11.8 Affixing Council Seal to Plan of Easement and 88B Instrument - Lot 303 DP 1051235 (8718241)**

173 RESOLVED: Rose/Bailey

That Council resolve to affix the Seal of Council to the plan of easement and 88B Instrument for the new sub-station and associated cables over Lot 303 DP 1051235, Myimbarr Community Park.

CARRIED UNANIMOUSLY

**12. Community Planning & Strategies Division**

**12.1 2007/2008 NSW Ministry of Transport - Funding Agreement (8717340)**

174 RESOLVED: Jeffreys/Bailey

That Council resolve to affix the Seal of Council to the Funding Agreement from the NSW Ministry of Transport for funding assistance to provide Community Transport Services during the financial year 1 July 2007 to 30 June 2008.

CARRIED UNANIMOUSLY

**12.2 Draft Local Environmental Plan, Local Environmental Study and Draft Development Control Plan - Urban Fringe (8705255)**

175 RESOLVED: Briggs/Hawker

That Council:

1. In accordance with Section 57 of the Environmental Planning & Assessment Act, resolve to amend the study area for the Urban Fringe Local Environmental Study as shown on the maps contained in Attachment 1 of this report.
2. In accordance with Section 54 of the Environmental Planning & Assessment Act, resolve to amend the area to which the Draft Urban Fringe Local Environmental Plan applies as shown on the maps contained in Attachment 1 of this report.
3. In accordance with Section 74C of the Environmental Planning & Assessment Act, resolve to prepare a draft Development Control Plan for all land within the Urban Fringe study area as shown on the maps contained in Attachment 1 of this report.
4. In accordance with Section 74C of the Environmental Planning & Assessment Act, resolve to amend the following development control plans:
  - Tullimbar Village Development Control Plan
  - Albion Park Rural Residential Development Control Plan
  - Residential Development Control Plan
  - Residential Subdivision Development Control Plan



- Floodplain Risk Management Development Control Plan
  - Onsite Waste Water Management for Single Residences Development Control Plan.
  - Exempt Development Control Plan
  - Complying Development Control Plan
  - Dunmore Wetlands Development Control Plan
5. Require that the Local Environmental Study and Draft Plans, once prepared, be reported to Council for approval to publicly exhibit.

Further, that Councillors congratulate Mr Geoff Hoynes, Group manager Planning Services on the detailed Briefing and Report on this item.

CARRIED UNANIMOUSLY

**13. Shell Cove Business Division**

Nil

**14. Committee Recommendations**

**14.1 Recommendations from the Disabilities Services Advisory Committee Meeting held 18 April 2007 recommended for adoption.**

Councillor Gillett asked if there had been any progress on a previous request to Stockland to upgrade signage for disabled access and investigate other options for disabled access at Stockland Shellharbour in the vicinity of Council's Administration Building.

Director Community Planning and Strategies advised that this matter would probably be addressed in plans for future extensions of Stockland Shellharbour.

176 RESOLVED: Jeffreys/Briggs

That the Recommendations from the Disabilities Services Advisory Committee Meeting held 18 April 2007 be adopted.

CARRIED UNANIMOUSLY

**14.2 Recommendations from the Aboriginal Advisory Committee Meeting held 19 April 2007 recommended for adoption.**

Councillor Bird highlighted some important forthcoming events and that long term Committee Member, Joy Brown, was leaving the area.

The Mayor acknowledged Mrs Brown's tireless work within the Aboriginal Community.

177 RESOLVED: Bird/Greig

That the Recommendations from the Aboriginal Advisory Committee Meeting held 19 April 2007 be adopted.

CARRIED UNANIMOUSLY

**15. Notices of Rescission Motion**

Nil

**16. Notices of Motion**

**16.1 Notice of Motion submitted by Councillor Rose (8719428)**

The Mayor asked Councillor Rose to consider whether he had a perceived pecuniary interest in this item.

Councillor Rose agreed that he had a perceived non-pecuniary interest.

Cr Rose left the Chambers at 08:10 PM.  
Cr Briggs left the Chambers at 08:10 PM.  
Cr Stewart left the Chambers at 08:11 PM.

MOTION: Mifsud

- a) That Council receive a Councillor briefing on the per annum cost of Council legal fees since 2004.
- b) That the Councillor Briefing cover the record of Council initiated actions in the Land & Environment Court; and
- c) That a caveat be placed on any non-essential legal advice until Council resolves a position to be included in the Council members Payments & Expenses Policy on legal advice to Councillors and associated costs.

The Motion lapsed for want of seconder.

Cr Briggs has returned from temporary absence at 08:12 PM  
Cr Rose has returned from temporary absence at 08:12 PM  
Cr Stewart has returned from temporary absence at 08:12 PM

**16.2 Notice of Motion submitted by Councillor Rose (8719443)**

The Mayor asked for permission from Council to provide additional information to the Meeting on this matter.

Permission was granted.

The Mayor advised that he had received advice that Albion Park Cricket Club had written to Council on 17 May 2005, asking that Neville Hilton Oval be renamed Croom Cricket Ground. Signage was erected at the Oval soon after, reflecting this change.

The Mayor asked Councillor Rose if he wanted to withdraw the Notice of Motion in light of this information.

Councillor Rose agreed to withdraw the Notice of Motion.

MOTION: Hawker/Rose That Council ratify the previous decision to change the name from Neville Hilton Oval to Croom Cricket Ground.

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

**17. Items for Information**

**17.1 Investments (8719490)**

179 RESOLVED: Hawker/Gillett

That Council receive and note the item for information.

CARRIED UNANIMOUSLY

**18. Questions without Notice**

**180 Councillor Stewart** stated that she was told that confidential information from the Extraordinary Meeting of 19 April 2007 that was discussed in this Chamber had been leaked to the public and appeared on a community website. She asked the Mayor what he was going to do about the latest leak of confidential Council information.

**181 Councillor Jeffreys** asked that correspondence from Council be delivered to her by email rather than facsimile or post wherever possible.

**182 Councillor Hore** stated he had received numerous complaints from residents relating to trucks parking in residential areas. He asked what is Council's policy in this regard.

**183 Councillor Gillett** asked how long night roadworks in Shellharbour Road, Dunmore would continue.

Group Manager Works & Services advised that the night roadworks were now completed.

**184 Councillor Bird** asked why there was still a stockpile of materials from roadworks in vicinity of the bus stop in Shellharbour Road, Dunmore, preventing buses from pulling off the road.

Group Manager Works & Services advised that the roadworks were done on behalf of the RTA and that some residue was left to complete repairs further up the road. He advised that this should be completed by Friday 4 May 2007.

**185 Councillor Rose** asked whether Council's response to the Department of Local Government's *New Directions* paper was satisfactory.

The Director Community Planning & Strategies advised that he had amended the document following the Councillor Briefing and had submitted it to the Department of Local Government on 27 April 2007.

**186 Councillor Rose** referred to an RTA memo received relating to noise concerns associated with proposed roadworks in Shellharbour Road near the Shellharbour Cemetery. He asked how it was determined that there would be no additional noise created by extension to the road by two lanes.

Director of Operations & Services stated that the advice was provided by the RTA and that it was within the guidelines of the Australian Noise Standards.

**187 Councillor Mifsud** passed on his thanks to all involved in the Anzac Day services.

**188 Councillor Mifsud** asked if a seat could be provided at Chisholm Park, near the road, facing the park.

## SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 01 May 2007

---

**189 Councillor Mifsud** asked what was the best way to prevent vandals from poisoning trees a Shellharbour Foreshore.

**190 Councillor Mifsud** stated that Wollongong City Council had recently held a youth unemployment forum. He asked if Council could look at some way of providing jobs for the youth in our City.

The Mayor advised that it was a Regional Youth Unemployment forum, not restricted to Wollongong. He stated that when results of the IRIS study were received, Council would be able to act on that information.

**191 Councillor Bailey** asked for clarification on what was occurring at Killalea State Park. Is revenue going to stay here or go elsewhere.

The Mayor advised that the Trust had been approached to request a briefing for Councillors and that we were awaiting their response. He stated that Councillors would be advised when the Councillor briefing was to take place.

**192 Councillor Hawker** stated that he had received a response from the Director Community Planning & Strategies in relation to his previous request to clean up graffiti at the substation in Terry Street Albion Park. He advised that the graffiti was still there and asked where our enquiries with Integral Energy were up to.

**193 Councillor Hawker** asked how soon the new median strip in Albion Park would be painted to make it easier to see at night.

The Group Manager Works & Services advised that the work had been held up due to wet weather and that it should be painted white early next week.

**194 Councillor Hawker** asked if Council would be taking a photo of the full Council before the end of this term.

**195 Councillor Greig** stated that since the rise in fees and charges for dumping of rubbish at Dunmore there had been a rise in illegal dumping of rubbish within the City. She asked what Council was doing about illegal dumping.

**196 Councillor Greig** asked if Councillors could have a Briefing from the Catholic Diocese of Wollongong regarding World Youth Day 2008.

The Mayor advised that he has requested to be kept up to date on developments.

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

**Meeting closed 8.45 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 22 May 2007.

---

General Manager

---

Chairperson