

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 04 September 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 H Gillett

In attendance

General Manager	B A Weir
Director of Operations & Services	A Webster
Acting Director of Community Planning & Strategies	P Masterson
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 Organisational Development	B Rose
Group Manager Planning Services	G Hoynes
Manager Development Services	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
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

Ordinary Council Meeting

An apology was tendered on behalf of Councillor Bird

436 RESOLVED: Hore/Gillett. That the apology as tendered be accepted.

2. Confidential Business (Committee of the Whole)

Nil

3. Recommendations from Committee of the Whole

Nil

4. Confirmation of Minutes

4.1 Ordinary Meeting 14 August 2007

437 RESOLVED: Briggs/Hore That the Minutes of the Ordinary Council Meeting held on 14 August 2007 be confirmed as a correct record of proceedings.

5. Pecuniary Interest

Councillor Greig: Item 12.1 Draft Revised Shellharbour City Centre Masterplan & Development Control Plan Public Exhibition

Nature of Interest: Councillor Greig owns property in the area.

6. Condolences

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

Mr Kenneth Woollett	of	Albion Park
Mrs Mary McLeish	of	Albion Park
Mr Percy Alexander Whalley	of	Albion Park Rail
Mr Stellos (Steve) Ballis	Formerly of	Barrack Heights
Mrs Hilda Ryan	of	Barrack Heights
Mr John Paul (Galat) Sciberras	of	Mt Warrigal
Mr Michael McCaffery	of	Mt Warrigal
Mrs Marjorie Jean Brewster	Formerly of	Mt Warrigal
Mrs Bertha Koch	of	Oak Flats
Mrs Jean Irene Shortland	Formerly of	Shellharbour
Miss Jasmine Anne Bradshaw	of	Warilla
Mr Juan Antonio cortes	of	Warilla
Mr Keith (Kage) Graham	of	Warilla

438 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

10.1 2006/2007 Annual Financial Reports (8775699)

439 RESOLVED: Hawker/Gillett

1. That Council make the Statements (as attached) and approve the application of the signatures by the Mayor, one other Councillor and the General Manager to those statements, as required by Clause 215 of *the Local Government (General) Regulation 2005*.
2. That the Financial Reports be formally referred for audit.

CARRIED UNANIMOUSLY

10.2 Reserve Naming Proposal (8780040)

440 RESOLVED: Greig/Briggs

That Council advertise the proposal for the renaming of Public Reserve - Reddall Parade to Lake Entrance Road known as Balarang Reserve to "Jack Wickham Reserve, Balarang" and a report be prepared for Council's consideration at the conclusion of the advertising period.

CARRIED UNANIMOUSLY

10.3 Closure of Council Operations - Picnic Day (8777342)

441 RESOLVED: Jeffreys/Hawker

That Council close all of its business premises on Friday 12th October 2007 other than for essential services. Employees required to work are paid in accordance with Council's NAPSA (Notional Agreement Preserving State Award). Sufficient employees, who cover essential services including the Waste depot, Oak Flats Heated Pool, some cleaning and ordinance and rangers will be engaged and paid in accordance with the NAPSA.

CARRIED UNANIMOUSLY

11. Operations & Services Division

11.1 Matching Funds for Successful Grant Applications and Various Projects (8775713)

442 RESOLVED: Hawker/Hore

1. That the Council adopt the recommended funding allocation as outlined in Table A of this report.

2. That the Council amend its budget in accordance with its adopted position.

CARRIED UNANIMOUSLY

Matter arising

Councillor Jeffreys stated that she wanted to raise a point of clarification in regard to Councillor Hawker's comments during his Mover in Reply speech. She stated that she believed that Councillor Hawker had misunderstood her question and that she was supporting the recommendation.

Councillor Hawker clarified that he was not disagreeing with Councillor Jeffreys and stated that Council was acting in accordance with the Local Government Guidelines in applying funds on a Citywide basis rather than a Ward basis.

11.2 Energy Savings Action Plan (8776238)

443 RESOLVED: Jeffreys/Bailey

That the Council resolve to adopt the *Energy Savings Action Plan*.

CARRIED UNANIMOUSLY

11.3 Probity Plan - Stockland and Shellharbour City Council (8766354)

444 RESOLVED: Briggs/Jeffreys

That Council endorse the Probity Plan attached to this report associated with the respective roles of Stockland Trust and Shellharbour City Council and that the General Manager and Mayor be authorised to affix the Seal of Council.

CARRIED UNANIMOUSLY

11.4 Licence to occupy part of Road Reserve, Durgadin Drive, Albion Park Rail (8776342)

Councillor Briggs referred to a question asked by Councillor Rose and requested that the General Manager clarify the meaning of "that Council gives its in-principle support".

The General Manager replied that his understanding of "in-principle support" is that the Council supports a proposal or issue, however Council cannot give full support until further requirements such as a development application have been met and satisfied. Council cannot constrain its other regulatory responsibilities.

445 RESOLVED: Briggs/Bailey

1. That Council give its in-principle support to enter into a licence agreement with the owner of Lot 126, DP 1008414 subject to future commercial negotiations and conditions subject to development consent being obtained for the use of the land for motor vehicle sales.
2. That in the event development consent is not granted for the use of the area for motor vehicle sales, that the applicant be required to reinstate any areas of the road reserve.
3. That a report be presented back to Council recommending future commercial arrangements and proposed term of any licence should a consent for use of the subject land be granted.

CARRIED UNANIMOUSLY

11.5 Community Land Plan of Management - Lot 16 Section A, DP 11044 Reddall Parade, Lake Illawarra (8779502)

Councillor Hore advised that a public hearing was held this afternoon and there were no members of the public in attendance and therefore no objections or comments on the Management Plan.

Councillor Rose referred to the second last paragraph on page 44 of the business paper and asked are there any plans to demolish the kiosk? Would a DA come to Council?

The Mayor stated that a DA would have to come to this Council and the Lake Authority.

446 RESOLVED: Hore/Leedham

That Council adopt the draft Plan of Management for Lot 16, Section A, DP 11044, Reddall Parade, Lake Illawarra.

CARRIED UNANIMOUSLY

11.6 Licence Agreement Australian Volunteer Coastguard - Skiway Park Oak Flats (8779133)

447 RESOLVED: Briggs/Bailey

1. That Council enter into a new licence agreement with the Australian Volunteer Coast Guard Association Inc for a period of up to five (5) years for the occupation of the building located on Skiway Park, Oak Flats being Part Lot 440 in Deposited Plan 15643 at a fee of \$1.00 per annum.

2. That the Seal of Council be affixed to the licence agreement with the Australian Volunteer Coast Guard Association Inc for occupation of Part Lot 440, DP 15643 The Esplanade, Oak Flats.

CARRIED UNANIMOUSLY

11.7 Illawarra Rural Fire Service Control Centre at the Illawarra Regional Airport - Project Agreement (8781245)

448 RESOLVED: Hawker/Greig

1. Shellharbour City Council agree in principle to the Project Agreement with Kiama Municipal Council, Wollongong City Council and the NSW Rural Fire Service to establish an effective operational structure to fund and manage the development and construction of the Illawarra Rural Fire Control Centre.
2. Subject to the mutual agreement from all parties for the final draft of the Project Agreement, Shellharbour City Council delegate to the General Manager the authority to sign the Project Agreement for and behalf of the Shellharbour City Council.

CARRIED UNANIMOUSLY

12. Community Planning & Strategies Division

12.1 Draft Revised Shellharbour City Centre Masterplan & Development Control Plan Public Exhibition (8875685)

Note: Councillor Greig declared an interest in Item 12.1 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

449 RESOLVED: Briggs/Bailey

In accordance with the Environmental Planning and Assessment Act and Regulation, Council resolve to:

- 1) Adopt the draft amended Shellharbour City Centre Masterplan and draft amended Development Control Plan, as contained in attachments 3 and 4, subject to the building height controls for Precinct E being amended from 4 storeys to 6 storeys and place them on public exhibition for a minimum 28 days; and
- 2) require a report back to Council after the exhibition period has closed that includes a summary of submissions received.

CARRIED UNANIMOUSLY

Councillor Greig here returned to the Chamber.

12.2 Major Projects Application - Illawarra Business Park - Delmo Albion Park Pty Ltd - Lot B DP 109816 & Lot 6 DP 1100435 - Tongarra Road Albion Park (8780667)

450 RESOLVED: Hawker/Greig

That Council:

1. Receive and note this report; and
2. Endorse the attached submission on the proposal; and
3. Forward the submission to the NSW Department of Planning.

CARRIED UNANIMOUSLY

12.3 Draft Shell Cove Development Control Plan Amendment 7 (8874890)

451 RESOLVED: Rose/Mifsud

1. That Council, in accordance with Section 74C of the Environmental Planning & Assessment Act, adopt Shell Cove Development Control Plan (Amendment 7) as attached.
2. Than an advertisement be placed in a local newspaper notifying Council's decision to adopt the Shell Cove Development Control Plan (Amendment 7)

CARRIED UNANIMOUSLY

13. Shell Cove Business Division

Nil

14. Committee Recommendations

Nil

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

17.1 Privacy Screens (8776730)

17.2 Investments (8780443)

452 RESOLVED: Hawker/Greig

That Council receive and note the Items for Information.

18. Questions without Notice

453 Councillor Stewart asked the Mayor if he could raise at the next Traffic Committee the possibility of putting a right hand arrow on the roadway turning left from Government Road into Lake Entrance Road.

454 Councillor Jeffreys asked that all internal mail be sent to her home address not post office box. She also asked that printing on Council papers be double sided.

455 Councillor Rose referred to item 4.6 of the Traffic Committee Business paper of 5 September 2007 regarding the taxi zone outside Ocean Beach Hotel. He asked what the parking restrictions would be outside the hours of 6.00am to 6.00pm.

The Group Manager Technical Services advised that it would be what the restrictions are without the taxi zone sign being there and that he would raise this issue at the Traffic Committee meeting to be held on 5 September 2007.

456 Councillor Mifsud asked that Council request the RTA to review their traffic management plans on the construction works on Shellharbour Road to reduce the impact on traffic during peak periods.

457 Councillor Mifsud asked if we could look at providing public toilet facilities at Addison Street Shellharbour.

458 Councillor Bailey asked that the Councillors' Room in the Chamber be tidied up.

459 Councillor Hawker asked when the damaged fence on the corner of Russell and Tongarra Road would be repaired.

19. Confirmation of the Minutes of the Committee of the Whole Council Meeting (in Confidential Session).

20. Recommendations from the Committee of the Whole Council Meeting (in Confidential Session)

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 04 September 2007

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

Meeting closed 8.15 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 25 September 2007.

General Manager

Chairperson