

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 26 February 2008 commencing at 5.27 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 (Part - arrived 7.15pm)
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 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 Economic Development	J Robinson (Part)
Manager Media & Communications	N East
Executive Assistant	D Arney

A message was received from Mr Tadros, who had arrived late for Public Participation, where he had been registered to speak, requesting to be permitted to address the Council in Public Participation.

The Mayor suggested and received concurrence from the Councillors that Open Council adjourn to allow Mr Tadros to speak in Public Participation.

- 1 RESOLVED: Greig/Hawker That Council resume sitting in Open Council.

Meeting adjourned at 5.28pm

Meeting resumed at 5.35pm

Councillor Rose stated that he did not believe that the confidential report should be considered in Committee of the Whole and he requested that Council officers hold workshops for Councillors on items such as this so that Councillors can see the submissions received in relation to proposals, tenders and expressions of interest etc.

The Mayor advised that he would contact the Department of Local Government and advise Councillors if this was permissible.

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.

CONFIDENTIAL ITEMS

2.1 Expressions of Interest - Illawarra Regional Airport - Light Aviation Industry Cluster (8867166)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

One of the expressions of interest received, clearly marked *Commercial in Confidence* and discusses proposed business expansion plans if their operation is established at Illawarra Regional Airport.

It is considered that to disclose these plans in open Council would prejudice the commercial position of the person who supplied it and therefore contrary to the public interest.

2 RESOLVED: Rose/Greig

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)(d)(i) 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 in accordance with Section 11(2) of the *Local Government Act 1993*.

Meeting adjourned at 5.40pm

Meeting resumed at 7.53pm

The Mayor apologised to the Councillors and the gallery for the delay in commencing the Meeting.

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

Nil.

3. Recommendations from Committee of the Whole

The following Recommendations to Council from the Committee of the Whole Council (confidential) were read to the Meeting by the General Manager.

2.1 Expressions of Interest - Illawarra Regional Airport - Light Aviation Industry Cluster (8867166)

COMMITTEE RECOMMENDATION:

1. That Bilyara Aviation Pty Ltd be advised that their expression of interest lodged for Site A at Illawarra Regional Airport is successful subject to development consent being obtained and satisfactory lease negotiations being concluded.
2. That Sky Dive the Beach Pty Ltd be advised that their expression of interest lodged for Site B at Illawarra Regional Airport is successful subject to development consent being obtained and satisfactory lease negotiations being concluded.
3. That Air Safety Solutions Pty Ltd be advised that their expression of interest lodged for Sites A & B is unsuccessful.
4. That the General Manager be authorised to sign any necessary Development Application as landowner
5. That the results of all lease negotiations be reported to a future Council meeting

Confirmation of Minutes

4.2 Committee of the Whole 18 December 2007

That the Minutes of the Committee of the Whole Council Meeting held on 18 December 2007 be confirmed as a correct record of proceedings.

14.2 Recommendations from the Australia Day Committee Meeting (in Committee of the Whole) held 9 January 2008 recommended for adoption.

That the Recommendations from the Australia Day/Special Promotions Committee Meeting (in Committee of the Whole) held 9 January 2008 be adopted.

- 3 RESOLVED: Hore/Mifsud. That the Recommendations to Council from the Committee of the Whole Meeting held earlier today be adopted.

ABSTAINED: Councillor Jeffreys (Note: Councillor Jeffreys was absent from the Committee of the Whole Meeting earlier this evening)

4. Confirmation of Minutes

4.1 Ordinary Meeting 18 December 2007

Councillor Hawker stated that at Item 16.1 re a Notice of Motion, a number of Councillors had abstained from voting. There was no note in the minutes of why they abstained from the vote and they went to great lengths at the time to explain why.

Councillor Greig stated that Minute Number 679, the motion regarding behaviour in the public gallery, where it states in the minutes that "... they be banned from attending the Council Chamber for one Meeting", this should be deleted and replaced with "...they be banned from attending one Council Meeting".

Councillor Stewart stated that in Questions Without Notice she had asked the Mayor if Council was setting a precedent by handing out fliers for the Angels of Hope Race Day and if council would support the Shellharbour Race Day as well.

- 4 RESOLVED: Hawker/Hore That the Minutes of the Ordinary Council Meeting held on 18 December 2007 be confirmed as a correct record of proceedings subject to the alteration to Minute 679 to state "...they be banned from attending one Council Meeting" and an addition to Questions Without Notice to read "Councillor Stewart enquired of the Mayor whether Council was setting the precedent in handing out fliers for the Angels of Hope Race Day and would it similarly support the Shellharbour Race Day".

CARRIED

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

Councillor Rose stated that he would like it recorded in the minutes his reason for voting against the recommendation.

The Mayor indicated that it would be a matter arising.

Matter Arising

Councillor Rose stated that at Item 16.1 Councillor Leedham had moved a Point of Order against Councillor Jeffreys for revealing confidential information. He stated that he was surprised that it has gone through, without some action being taken.

The General Manager stated that the Mayor had warned Councillor Jeffreys, as is stated in the Minutes and that any follow up action would not be in this report

4.2 Committee of the Whole 18 December 2007

This item was dealt with in Committee of the Whole. See Minute 4

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 Hore: Item 12.2 Rezoning Application - Illawarra International Health Precinct - Lot 81 DP 634605 - Tullimbar Lane, Tullimbar.

Nature of Interest: Marianne Saliba is working for the applicant and also a member of Councillor Hore's ALP branch. She supported him throughout his election period.

Councillor Hamilton: Item 11.8 Illawarra Pipe Band use of Centenary Hall

Nature of Interest: Councillor Hamilton was the Chieftain of the Day for the Illawarra Pipe Band

Councillor Hamilton: Item 12.2 Rezoning Application - Illawarra International Health Precinct - Lot 81 DP 634605 - Tullimbar Lane, Tullimbar.

Nature of Interest: An ongoing friendship with one of the consultants.

6. Condolences

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

Mr Gordon Dewar	of	Albion Park
Mrs Jean Badger	of	Albion Park
Mrs Noreen Cecilia Gordon	of	Albion Park
Mrs Lorna Parsons	of	Albion Park
Mrs Nancie Elaine (nee Thomson) Rudd	of	Albion Park
Ms Leanne Michele Penny	of	Albion Park
Mr John Patrick Donnelly	formerly of	Albion Park Rail
Mrs Martha (nee Van Ammers) Lambert	of	Albion Park Rail
Mrs Terezija (Theresa) Godina	of	Albion Park Rail
Mr Paul Ernest Summers	formerly of	Albion Park Rail
Mrs Christina Mary Crooks	of	Albion Park Rail
Mr Richard Alan Webb	of	Barrack Heights
Mrs Evelyn Taylor	of	Barrack Heights

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Mr Ilo Ristevski	formerly of	Barrack Heights
Mrs Edith Bent	formerly of	Barrack Heights
Mr Ray Brownlow	of	Barrack Heights
Ms Melissa Noveski	of	Barrack Heights
Mrs Debra Louise (Deb) Heness	formerly of	Barrack Heights
Mr Koste Vrckovski	of	Barrack Heights
Mr George Vivian Barrett	of	Blackbutt
Mr Eric Keith Powell	of	Blackbutt
Mrs Winsome Johnston nee Richards	of	Flinders
Mr Eric Rayner	of	Lake Illawarra
Mr Raymond Edward Slow	of	Lake Illawarra South
Mr George Voulgaris	of	Lake South
Mrs Laurel Adelaide (nee Duncan) Finch	of	Marshall Mount
Mr Leslie (Les) Fitzgerald	of	Mt Warrigal
Mrs Isabella(Isa) McCann	of	Mt Warrigal
Mr Robert Thomas Madge	of	Mt Warrigal
Mrs Maria Paz Bermudo	of	Mt Warrigal
Mr Edward (Ted Henry) Garrett	of	Oak Flats
Mr Kevin Roy Richens	of	Oak Flats
Mr Leslie Robert Booth	of	Oak Flats
Mr Ronald (Ron) Spencer	of	Oak Flats
Mr Ronald Hinde	formerly of	Oak Flats
Mr Graddy (Geert) Haverkamp	formerly of	Oak Flats
Mr Leonard Charles (Len) Gowers	of	Shell Cove
Mr Leonard (Snr) Quill	formerly of	Shellharbour
Mr Kevin Joseph Pettit	of	Shellharbour
Mrs Olive Annie Morgan	formerly of	Shellharbour

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Mr William James (Bill) Sullivan	of	Shellharbour
Mrs Heather Burton	formerly of	Shellharbour
Miss Leela Wadwell	of	Warilla
Mr Ronald Anthony Kime	of	Warilla
Mrs Joyce Austin	of	Warilla
Mrs Ena Ruth Thomas	of	Warilla
Mr Philip Allan Mullard	of	Warilla
Mr Bernard (Barney) Kearney	of	Warilla
Mr George (Stojkovski) Petkovski	of	Warilla
Mr Lee Fraser	of	Warilla
Mr Peter Charles Caddick	of	Warilla
Mr Kevin Perry	of	Warilla
Mrs Thelma Sands	of	Warilla
Ms Allison Joan Paterson	of	Warilla
Mr Noel Gregory Gleeson	formerly of	Warilla and Lake Illawarra

5 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 Management Plan - Quarterly Review for the Quarter Ended 31st December, 2007 (8866500)

6 RESOLVED: Hawker/Bird

That the report be received noted and endorsed.

CARRIED UNANIMOUSLY

10.2 December 2007 Quarter Budget Review (8867018)

Councillor Stewart stated that she would like to move a motion that a working party be established to investigate the feasibility of a designated off-leash dog park within the City.

Councillor Briggs MOVED a POINT of ORDER that the Motion was out of order

The Mayor informed Councillor Stewart that it should be submitted as a Notice of Motion

Councillor Hawker stated that Albion Park/Oak Flats Rugby League Club is a regional facility for use by the whole region and that it had hosted a series of finals a few years ago and that Shellharbour Council should be very proud of the grounds.

Councillor Rose MOVED a POINT of ORDER that Ron Costello Oval had also hosted finals a couple of years ago, and why single one this one out.

The Mayor stated that Councillor Hawker was referring to this item at this time.

7 RESOLVED: Hawker/Gillett

1. That Council adopt the December 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 2008, of \$891,801.
2. That the Grants listed in the new items section of this report be accepted.

CARRIED UNANIMOUSLY

10.3 Australian Local Government Women's Association (NSW Branch) Annual Conference 3-5 April 2008 (8860330)

8 RESOLVED: Hawker/Bird

1. That Council resolve to approve attendance at the 2008 Australian Local Government Women's Association (NSW) (ALGWA) Conference by up to three delegates.
2. That any Councillors interested in attending the ALGWA Conference advise the Executive Offices ASAP.

3. That approval be given to any Councillor wishing to become a financial member of ALGWA. Only financial members have voting rights.
4. That the General Manager authorised the attendance of Council staff as he sees fit.

CARRIED UNANIMOUSLY

11. Operations & Services Division

11.1 DA No. 496/2007 - Lot 65, DP 30705, 1 O'Keefe Crescent, Albion Park - Detached Garage (8847776)

9 RESOLVED: Greig/Hawker

That this Application be deferred until Council officers arrange a meeting between the applicant and Ward Councillors, and any other interested Councillor, to seek a resolution to issues as stated in the report.

CARRIED UNANIMOUSLY

11.2 DA No. 494/2006 - Lot 1, DP 744914, 5A Adelaide Place, Shellharbour - 82A Review of a Refusal of a Dual Occupancy Proposal (8860333)

10 RESOLVED: Rose/Mifsud

That the Council determine the application for review under Section 82A of the *Environmental Planning & Assessment Act, 1979*, as amended by approving Development Application No. 494/2006 for the demolition of existing structures and the construction of two x 2 storey townhouses with attached garages and strata subdivision at Lot 1, DP 744914, 5A Adelaide Place, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 64 conditions following the conclusion of this report.

CARRIED UNANIMOUSLY

11.3 DA No. 540/2007 - Lot 2001 - 2003, DP 263662, 2 - 6 College Avenue, Oak Flats - Medical Centre & Carpark (8866560)

In reply to a question from Councillor Hawker the Manager Development Services, Mr Mitchell, advised that \$10M Public Liability Coverage was the standard amount for this type of development.

11 RESOLVED: Jeffreys/Briggs

That the Council approve Development Application No. 540/2007 for a Medical Centre & Associated Carpark at Lots 2001 - 2003, DP 263662, 2 – 6 College Ave, Oak Flats under

Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 63 conditions following the conclusion.

CARRIED UNANIMOUSLY

11.4 DA No. 547/2007 - Lots 3 & 4, DP 369806, Headland Parade, Barrack Point - Proposed Amenities Building & Car Parking Area in Elliot Lake Reserve (8865200)

During debate, Councillor Gillett stated that a comment by Councillor Briggs was inferring that all Councillors would agree to moving the development because of a submission made by a member of the public during Public Participation.

Councillor Bailey MOVED a POINT of ORDER that he did not feel that Councillor Briggs was implying that.

The Mayor stated that he would take the Point of Order on board.

The General Manager stated that he would arrange for a list of the issues raised in Public Participation and during debate to be compiled with Officers' comments to assist Councillors at the inspection.

12 RESOLVED: Rose/Mifsud that Development Application No. 547/2007 be deferred pending an on-site inspection with Council officers and Councillors.

CARRIED UNANIMOUSLY

11.5 Floodplain Management Program - Acceptance of Grant Funding (8865749)

13 RESOLVED: Hawker/Jeffreys

1. That Council endorse the actions of the Mayor in accepting the grant offer by way of an interim acceptance letter.
2. That the Council endorse the acceptance of grant funding of \$20,000 for the floodplain management program projects and approve the execution of the required documentation and the attachment of the common Seal of Council to the acceptance documentation as required by the Minister.
3. Council allocate \$10,000 toward this program of studies (from 'City Wide Grant Matching' fund Job No. 8978000).
4. That Council write a letter to the Minister for Climate Change, Environment and Water thanking Hon. Nathan Rees for the grant offer.
5. That the budget be amended accordingly.

CARRIED UNANIMOUSLY

11.6 Draft Shellharbour City Foreshore Landscape Masterplan (8866297)

14 RESOLVED: Rose/Briggs

1. That the Council adopt the draft *Shellharbour City Foreshore Landscape Masterplan* excluding the Bucknell Street and Leggatt Park areas with the following amendments:
 - a. Headland Parade to remain two-way traffic with parallel parking except at the western end in the area where the existing angle parking is provided.
 - b. One-way traffic is introduced in northern section of Little Lake Crescent between George Street and Osborne Parade Warilla, with parallel parking on the eastern side of the road.
 - c. Landscaping to be designed with public safety in mind, maintaining a clear line of sight to all public areas.
 - d. Any landscaping in exposed areas to be low hardy groundcovers/shrubs that require minimal maintenance.
 - e. Improved lighting to be located around facilities such as carparks and cycleways and not the general beach areas.
2. That a report be presented to the Council on the recommendations for the development of Bucknell Street and Leggatt Park areas at the conclusion of further public consultation.

CARRIED UNANIMOUSLY

Matters Arising

Councillor Rose requested Traffic Committee look into the provision of a pedestrian crossing to the beach as a request from residents.

Councillor Gillett congratulated Council officers on their work with the community in the consultation process.

11.7 Draft Illawarra Sustainability Roadmap (8866538)

Councillor Briggs here left the Chamber

15 RESOLVED: Greig/Jeffreys

1. That the Council endorse the Draft Illawarra Sustainability Roadmap for the purpose of public exhibition.
2. That a report be presented to the Council at the conclusion of the exhibition period outlining the submissions received.

CARRIED UNANIMOUSLY

ABSENT. DID NOT VOTE - Councillor Briggs

11.8 Illawarra Pipe Band use of Centenary Hall (8866136)

Councillor Gillett here left the Chamber

Note: Councillor Hamilton declared an interest in Item 11.8 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act

Councillor Greig took the Chair

16 RESOLVED: Hawker/Bailey

That Council agree to the Illawarra Pipe Band's request to transfer band practices to Centenary Hall and that the budget allocation of a recurring donation to cover costs for use of the HACCC centre, be redirected to cover costs for use of Centenary Hall.

CARRIED UNANIMOUSLY

ABSENT DID NOT VOTE - Councillor Gillett, Councillor Briggs

11.9 Community Land Plan of Management - Lot 1 & Part Lot 2, DP 588826, Benaud Crescent, Warilla - Shellharbour War Memorial Park (8865012)

THE Mayor here returned to the Chamber

Councillor Gillett here returned to the Chamber

Councillor Briggs here returned to the Chamber

17 RESOLVED: Hore/Leedham

That Council adopt the draft Plan of Management for War Memorial Park, Lot 1 & Part Lot 2 DP 588826, Benaud Crescent, Warilla.

CARRIED UNANIMOUSLY

11.10 Community land Plan of Management - Lot 2 DP 543320 Rowland Avenue, Mount Warrigal (8863873)

18 RESOLVED: Briggs/Hawker

That this item be received and noted and further that it be deferred pending an on-site inspection and briefing with Council officers.

CARRIED UNANIMOUSLY

11.11 Policy on Submissions, Petitions and Form Letters (8850228)

19 RESOLVED: Rose/Jeffreys

That Council adopt the attached draft Policy on the recognition and treatment of Submissions, Petitions and Form Letters.

CARRIED UNANIMOUSLY

Matter Arising

Councillor Gillett requested that it needs to be made clear to the public that when they place "CC to all Councillors" on correspondence it is inferred that they have already sent the correspondence to Councillors.

The General Manager stated that he has made a note to look at this and respond to Councillors. He further stated that he would take all issues on board to follow up on a procedure for answering the various types of correspondence.

11.12 Proposed Lease of Drainage Reserve - Adjoining Lots 36 & 35 DP 22630, Terry Avenue, Warilla (8865098)

20 RESOLVED: Leedham/Hore

1. That Council enter into a lease agreement with Mr Kevin Scurr & Mrs Julie Scurr for the occupation of the drainage reserve being Part Lot 54 DP 22630, Terry Avenue, Warilla for a term of five (5) years at a rental amount of \$52.00 per year plus GST.
2. That the Seal of Council be affixed to the lease agreement with Mr Kevin Scurr & Mrs Julie Scurr for occupation of the drainage reserve being Part Lot 54 DP 22630, Terry Avenue, Warilla.

CARRIED UNANIMOUSLY

11.13 Road Naming Changes - Oak Flats to Dunmore - Dunsters Lane Section (8865541)

In reply to a question from Councillor Leedham, the Director Operations & Services stated that there would have to be a number change as there would also be future development on other side of the road which had to be considered.

Councillor Mifsud asked how we could get the opinions of other emergency service providers i.e. NSW Ambulance Service and Fire Brigades, in addition to the comments from the NSW Police in their letter.

Councillor Stewart MOVED a POINT of ORDER against Councillor Mifsud, that he was not asking a question and had already spoken in debate.

The Mayor upheld the Point of Order.

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MOTION: Bird/Jeffreys That the name of this section of road, Dunsters Lane, remain unchanged.

Councillor Rose FORESHADOWED a MOTION that:

1. The proposed road name change, from Dunsters Lane (between Pioneer Drive and Princes Highway) to College Avenue be adopted, and

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

2. Council erect the relevant signage and advise the owners in writing of its decision.

The MOTION on being PUT to the Meeting was LOST 6/7

FOR VOTE - Councillor Bird, Councillor Hore, Councillor Leedham, Councillor Jeffreys, Councillor Stewart, Councillor Hamilton

AGAINST VOTE - Councillor Greig, Councillor Hawker, Councillor Briggs, Councillor Bailey, Councillor Mifsud, Councillor Rose, Councillor Gillett

- 21 The FORESHADOWED MOTION then became the MOTION and was seconded by Councillor Mifsud and on being PUT to the Meeting was CARRIED 8/5

FOR VOTE - Councillor Hamilton, Councillor Greig, Councillor Hawker, Councillor Briggs, Councillor Bailey, Councillor Mifsud, Councillor Rose, Councillor Gillett

AGAINST VOTE - Councillor Bird, Councillor Hore, Councillor Leedham, Councillor Jeffreys, Councillor Stewart

11.14 Laneway closure between No. 10 & No. 12 Lavender Grove, Shellharbour (8866464)

MOTION: Rose/Bailey

1. That Council commence the road closure process of that section of laneway between house numbers 10 & 12 Lavender Grove, Shellharbour and the Department of Lands be advised to commence advertising.
2. That following advertising by the Department of Lands and resolution of any issues/objections that action be taken to dispose the land.
3. That the Mayor and General Manager be authorised to sign any documentation associated with the road closure proposal including affix of the Seal of Council.

Councillor Bird FORESHADOWED a MOTION that Council advertise the possible closure of the laneway, seeking submissions from the public and provide a further report to Council before further consideration.

Councillor Stewart noted the closure of a laneway in Oak Flats and how that had been handled by Council.

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Councillor Hawker MOVED a POINT of ORDER that Councillor Stewart speak to the Motion

The Mayor advised Councillor Stewart to speak to Motion

The MOTION on being PUT to the Meeting was LOST 3/10

FOR VOTE - Councillor Bailey, Councillor Mifsud, Councillor Rose

AGAINST VOTE - Councillor Hamilton, Councillor Greig, Councillor Hawker, Councillor Briggs, Councillor Gillett, Councillor Bird, Councillor Hore, Councillor Leedham, Councillor Jeffreys, Councillor Stewart

22 Foreshadowed MOTION became the MOTION. It was seconded by Councillor Hore and on being PUT to meeting was CARRIED UNANIMOUSLY

11.15 Request for easement over community land - Lot 2 DP 521022 Station Road, Albion Park Rail (8863836)

23 RESOLVED: Briggs/Bird

1. That Council grant approval to proceed with granting an easement to drain water over Lot 2 DP 521022 Station Road, Albion Park Rail to benefit Lot 1 DP 521022 Station Road, Albion Park Rail.
2. That the General Manager and Mayor be authorised to complete documentation and affix Council's seal to documents as necessary, to finalise granting of the subject easement.

CARRIED UNANIMOUSLY

12. Community Planning & Strategies Division

12.1 Request from LGSA and Update on Proposed Planning Reforms (8867255)

24 RESOLVED: Hawker/Jeffreys

That Council receive this report and consider agree to the request of the Local Government and Shires Associations to endorse the resolutions 1, 2 & 3 of the Leaders Forum of 30 January 2008.

CARRIED UNANIMOUSLY

12.2 Rezoning Application - Illawarra International Health Precinct - Lot 81 DP 634605 - Tullimbar Lane, Tullimbar (8865441)

Note: Councillor Hore declared an interest in Item 12.2 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act

Note: Councillor Hamilton declared an interest in Item 12.2 and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act

Councillor Greig took the Chair

Councillor Mifsud asked why the Mayor & Councillor Hore had declared an interest at this point but had not previously done so.

Councillor Greig advised that it was up to the individual at that time to determine if they have an Interest.

Councillor Leedham commended staff on the excellent Councillor Briefing that had recently been held on the application.

25 RESOLVED: Rose/Briggs

That Council receive and note this report and adopt option 3 presented in this report.

CARRIED 10/1

FOR VOTE - Councillor Greig, Councillor Hawker, Councillor Briggs, Councillor Bailey, Councillor Mifsud, Councillor Rose, Councillor Gillett, Councillor Bird, Councillor Leedham, Councillor Stewart

AGAINST VOTE - Councillor Jeffreys

12.3 Aged Care for Residents of Shellharbour City (8865178)

The Mayor here returned to the Chamber and took the Chair

Councillor Hore here returned to the Chamber

26 RESOLVED: Hawker/Rose

1. That Council consider, as part of its consideration of the 08/09 Budget, a subsequent, comprehensive investigation into the planning and provision of aged care services in Shellharbour City and prepare a report that:

- (i) Develops a process by which development applications that have an aged care component can be assessed in relation to a range of criteria relevant to the current and future aged care needs of Shellharbour City
- (ii) Develops a process that ensures the needs of older residents are included in all aspects of Council's planning processes;

2. That Council make representation to the Department of Ageing, Disability and Home Care, and the Department of Health and Ageing to ensure equitable provision and access to services by residents of Shellharbour City;
3. That Council recognise its leadership role in relation to the facilitation of aged care services to our residents and proactively engage in a dialogue with other local, state and federal government agencies to ensure the equitable distribution of funding and service provision.

CARRIED UNANIMOUSLY

12.4 HACC Growth Funds 2007/08 (8865426)

27 RESOLVED: Jeffreys/Bailey

That Council resolve to affix the Seal of Council to Funding Agreements from the Department Ageing, Disability and Home Care for HACC recurrent and non-recurrent funds, and that Council's Budget be amended to the extent necessary.

CARRIED UNANIMOUSLY

13. Shell Cove Business Division

13.1 Shell Cove Quarterly Report (8855757)

28 RESOLVED: Rose/Mifsud

1. That this report be received and noted.
2. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of proposed lot 6213 (from the subdivision of Lots 102 and 107 DP 1105548, ie Stage 6B2) and on the Transfers for proposed lots 6401 to 6430 (Stage 6C2).
3. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of proposed lot 6214 (from the subdivision of Lots 102 and 107 DP 1105548, ie Stage 6B2) and on the Transfers for proposed lots 6501 to 6534 (Stage 6G1).
4. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of Lot 1101 DP 1076113 and on the Transfers for proposed lots 1201 to 1203 (Stage 10A3).

CARRIED UNANIMOUSLY

14. Committee Recommendations

14.1 Recommendations from the Australia Day/Special Promotions Committee Meeting held 9 January 2008 recommended for adoption.

29 RESOLVED: Hawker/Briggs

That the Recommendations from the Australia Day/Special Promotions Committee Meeting held 9 January 2008 be adopted.

CARRIED UNANIMOUSLY

14.2 Recommendations from the Australia Day Committee Meeting (in Committee of the Whole) held 9 January 2008 recommended for adoption.

This item was dealt with in Committee of the Whole. See Minute 4

14.3 Recommendations from the Traffic Committee Meeting held 6 February 2008 recommended for adoption.

30 RESOLVED: Greig/Leedham

That the Recommendations from the Traffic Committee Meeting held 6 February 2008 be adopted.

CARRIED UNANIMOUSLY

15. Notices of Rescission Motion

Nil

16. Notices of Motion

Nil

17. Items for Information

- 17.1 Airport Management Advisory Committee Meeting (8866270)**
- 17.2 DECC Approval of Energy Savings Action Plan (8850055)**
- 17.3 Completion of ICLEI - Local Governments for Sustainability: Cities for Climate Protection Campaign Milestones 2 & 3 (8850059)**
- 17.4 Liability for Council Delegates to the Illawarra Community Housing Trust (8867254)**

In reply to a question from Councillor Mifsud, Council's Corporate Solicitor, Mr McCann advised that delegates sign documents on behalf of the incorporated association, not as an individual.

- 17.5 Seniors Week Grant Application (8865339)**
- 17.6 Investment Reports December 2007 and January 2008 (8867710)**

31 RESOLVED: Hawker/Jeffreys

That Council receive and note the items for information.

CARRIED UNANIMOUSLY

18. Questions without Notice

32 Councillor Stewart stated that she believed Pam Kooyman, the Director of Operations & Services, Mr Webster's assistant, has left Council. She stated that she would like to send best wishes on behalf of herself as Ms Kooyman had always assisted her with any enquiries/questions which she had, very promptly and efficiently.

33 Councillor Jeffreys stated that a document is available from the Australian Local Government Association titled *Ageing in Place* and that Councillors may want a copy from Mr O'Rourke.

Director Community Planning & Strategies, Mr O'Rourke, stated that it can be obtain from Association's website

34 Councillor Leedham stated that the Killalea beach car park excellent facility and patronised. He asked if there were any plans to extend the car park in any way, and if so, who would pay for the upkeep.

Director of Operations & Services, Mr Webster, stated that he had been advised by the Killalea Trust that another level to the car park was planned. He further advised that the Killalea Trust pays for the upkeep of the car park.

35 Councillor Leedham asked if the disabled access from car park to beach will be looked at by the Killalea Trust.

Director of Operations & Services, Mr Webster stated that he believed that it would be.

36 Councillor Leedham asked when the update of the General Manager's performance appraisal would be done.

The Mayor stated that he would get back to Councillor Leedham.

37 Councillor Rose asked if a Development Application had been approved for the garage in Addison Street, Shellharbour, and if not would a Development Application come back to Council.

The Manager Development Services, Mr Mitchell, advised that the Development Application had been previously refused by Council and that an amended application was expected to come back before Council in future.

38 Councillor Mifsud stated that at the beginning of each meeting of Council the Mayor requested that Councillors and the gallery switch their mobile phones off. He stated that he believed that an open phone line to the Chamber was necessary for Councillors or members of the public in the gallery, in an emergency. ***Amended as per Minute No. 45 of 18 March 2008.***

The General Manager stated that any Councillor who wants that arrangement should contact him to make the necessary arrangements.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 26 February 2008

39 Councillor Bailey stated that he believed the traffic arrangements at the corner of Shellharbour Rd & Lake Entrance Rd, near the shops (Blockbuster video) was configured in a dangerous way and that he felt it was a potential disaster area at the point where vehicles were entering and exiting the commercial area. He asked that the situation be investigated.

40 Councillor Hawker advised that a house next door to the shopping centre in Terry Street, Albion Park was fire damaged and severely overgrown. He asked if he could be advised what was happening in relation to it either being demolished or cleaned up and repaired.

41 Councillor Greig thanked Council officers for the report on garbage being left near charity clothing collection bins. She asked for an update on the situation.

The Director of Operations & Services, Mr Webster, advised that he had written to the charities concerned and are currently negotiating with them and that he would report back to Council

42 Councillor Greig stated that she believed that confidential business papers may be able to be accessed electronically in time for the next meeting of Council.

The General Manager advised that was correct and that training of Councillors would be necessary.

43 Councillor Greig commended the Work Safe 2008 calendar, with photos of staff, that Councillors had received.

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

Nil.

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

Nil.

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

Nil.

Meeting closed 11.00 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 18 March 2008.

General Manager

Chairperson

