

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 08 April 2008 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 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 Organisational Development	B Rose
Group Manager Planning Services	G Hoynes
Corporate Solicitor – Manager Legal & Property Services	B McCann
Manager Development Services	G Mitchell
Manager Media & Communications	N East
Executive Assistant	J Frasca
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**

#### **Ordinary Council Meeting**

An apology was tendered on behalf of Councillor Mifsud.

82 RESOLVED: Briggs/Greig. 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 18 March 2008**

83 RESOLVED: Briggs/Leedham That the Minutes of the Ordinary Council Meeting held on 18 March 2008 be confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

### **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 Briggs:** Item 11.1 DA No. 17/2008 – Lot 1, DP 211127, 115 Junction Road, Shellharbour – Use of Ground Floor for Storage and Addition of a First Floor to Shellharbour Surf Club

**Nature of Interest:** Councillor Briggs is a life member of Shellharbour Surf Club

## **6. Condolences**

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

Mrs Maureen (Boyley)Veenstra	of	Albion Park
Mr Stephen Downey	formerly of	Albion Park
Mr Doug Barrett	of	Albion Park Rail
Mrs Julie Orr	of	Albion Park Rail
Mr Warren Dee	of	Albion Park Rail
Mr John Thomas	of	Barrack Heights
Mr Daniel (Dan) Seveir	of	Flinders
Mr John Jeffrey	of	Mt Warrigal
Mr Herbert (Bob) Harman	of	Mt Warrigal
Mr John Jeffrey	of	Mt Warrigal
Mrs Sarah May Turk (nee Yerbury)	of	Oak Flats
Mr Edward Thomas Dwyer	formerly of	Oak Flats
Mr Brian Ledgerwood	formerly of	Oak Flats
Mrs Tereza Hegedus	of	Warilla
Mrs Hazel Tomamichel	of	Warilla
Mr Werner Ziesche	of	Warilla
Mr George Nelson	of	Warilla
Mr George McCall	of	Warilla
Mr Cec (Sterling) Healey	of	Warilla
Mr Ronald Edward Lunney	of	Warilla
Mrs June Maree Fraser	of	Warilla

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

85 RESOLVED: Greig/Hawker

That Item No 14.1 Recommendations from the Traffic Committee Meeting held 2 April 2008 be brought forward following Item 7.

CARRIED UNANIMOUSLY

## **7. Presentations**

Councillor Jeffreys made a presentation to the Mayor of a Certificate of Appreciation from the Australian Local Government Womens Association (NSW Branch) for Council's support in hosting the ALGWA (NSW Branch) Executive Meeting last year.

### **Matter Arising**

Councillor Bird informed Councillors that Councillor Jeffreys was elected President of the Australian Local Government Womens Association (NSW Branch) at its recent conference.

The Mayor and Councillors congratulated Councillor Jeffreys on this achievement.

### **14.1 Recommendations from the Traffic Committee Meeting held 2 April 2008 recommended for adoption.**

In reply to a question from Councillor Rose, the General Manager advised that he would investigate whether a letter was forwarded to residents in 2006 advising that Council would not be proceeding with the raised thresholds.

86 RESOLVED: Hawker/Greig

That Recommendation 4.1 of the Traffic Committee Meeting held 2 April 2008 be rescinded and referred back to the Traffic Committee for further deliberation.

CARRIED UNANIMOUSLY

87 RESOLVED: Greig/Hawker

That the Recommendations of the Traffic Committee Meeting held 2 April 2008 be adopted with the exception of Item 4.1.

CARRIED UNANIMOUSLY

**8. Mayoral Minutes**

**8.1 Media Embargo - Land & Environment Court (8882315)**

88 RESOLVED: Briggs/Greig

That this item be deferred until after the Land & Environment Court's decision is handed down.

CARRIED UNANIMOUSLY

**9. Councillors' Reports**

Nil

**10. General Manager's Office**

**10.1 Training Package for Councillors (8887335)**

89 RESOLVED: Hawker/Greig

That Local Government Learning Solutions be selected as the appropriate provider for training for Councillors.

CARRIED UNANIMOUSLY

**Matters Arising**

Councillor Hawker suggested that the General Manager make arrangements to ensure all Councillors are in attendance.

Councillor Jeffreys asked that it be put on the record that if the training is scheduled in May, she will be unable to attend as she will be on sick leave.

**11. Operations & Services Division**

**11.1 DA No. 17/2008 - Lot 1, DP 211127, 115 Junction Road, Shellharbour - Use of Ground Floor for Storage and Addition of a First Floor to Shellharbour Surf Club (8885326)**

Note: Councillor Briggs 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.

90 RESOLVED: Rose/Bailey

That the Council approve Development Application No. 17/2008 for use of the ground floor for storage and the addition of a first floor to the existing Shellharbour Surf Club at Lot 1, DP 211127, 115 Junction Road, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 52 conditions following the conclusion.

CARRIED UNANIMOUSLY

Councillor Briggs here returned to the Chamber.

**11.2 Proposed Modifications to Tullimbar Village Building Design Guidelines Stages 1B2 & 1B4 (8885759)**

Councillor Greig asked the General Manager if he had used his delegated authority for the Tullimbar Project. The General Manager responded that he had not personally used any delegated authority, but he would follow up with his officers, but if this had fallen under delegated authority it would not have come to Council.

91 RESOLVED: Greig/Briggs

That the Council approve the modified layout for Stages 1B2 and 1B5 of the Tullimbar Village Building Design Guidelines for Stages 1B2 to 1B5 inclusive.

CARRIED

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

AGAINST VOTE - Cr Rose, Cr Stewart

ABSTENTION - Cr Bailey, Cr Jeffreys

**11.3 Request by LGSA for assistance with legal costs incurred by Gosford City Council (8886239)**

92 RESOLVED: Bird/Gillett

That Shellharbour City Council contributes the amount of \$4,184.22 to the LGSA appeal towards the legal costs incurred by Gosford City Council (GCC), in its pursuit of legal action related to an Appeal in the matter GCC v Tauszik NSWCCA 193

CARRIED

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

**11.4 Reserve Names - Proposed (8881938)**

93 RESOLVED: Briggs/Hawker

1. That the attached list of proposed Reserve Names be submitted to the Geographical Names Board for their consideration and subsequent advertising and Gazetting.
2. That the General Manager seek input from Councillors to look at appropriate names of prominent citizens for the next list of proposed Reserve Names.
3. That a pro forma be put in place as a guide for Councillors.

CARRIED UNANIMOUSLY

**11.5 Proposed Permanent Road (Laneway) Closure, Parklands Drive, Shellharbour (8886792)**

94 RESOLVED: Briggs/Bailey

1. That Council commence the road closure process of that section of laneway between House Numbers 90 & 92 Parklands Drive, Shellharbour.
2. That following advertising/notification by the Department of Lands and resolution of any issues/objections received in the advertising period, that action be taken to dispose the land including obtaining valuation.
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.

CARRIED UNANIMOUSLY

**11.6 Proposed Permanent Road (Laneway) Closure, Lavender Grove, Shellharbour (8886778)**

As a result of questions from Councillors relating to liability of Council for trail bike riders using Council Reserves, the General Manager responded that their concerns will be referred to Council's Risk Manager.

95 RESOLVED: Rose/Hore

As a result of submissions received supporting retention of the laneway for public access purposes and the absence of any reporting/issues regarding antisocial behaviour at the location, that no further action be taken to seek permanent closure of the laneway at this time.

CARRIED UNANIMOUSLY

**11.7 Licence Agreement to occupy part of the adjoining road reserve, 2 Durgadin Drive, Albion Park Rail (8886847)**

96 RESOLVED: Gillett/Jeffreys

1. That Council enter into a licence agreement with Superstar Cars Pty Ltd for the use of part of the road reserve adjoining Lot 126 DP 1008414, No. 2 Durgadin Drive, Albion Park Rail for five (5) years at \$5,200 per annum plus GST subject to annual CPI.
2. That the Mayor and General Manager be authorised to affix the Seal of Council and execute any documentation associated with the licence agreement.

CARRIED UNANIMOUSLY

**11.8 Renewal of Lease to Occupy Drainage Reserve, Part Lot 102 DP 12780, Headland Parade, Barrack Point (8886798)**

97 RESOLVED: Rose/Stewart

1. That Council renew the respective lease agreements for a five (5) year term at \$52 plus GST per annum subject to annual CPI with Mr N & Mrs J Malafant and Ms K Lowe for the occupation of drainage reserve (part), Lot 102, DP 12780, Headland Parade, Barrack Point.
2. That the General Manager and Mayor be authorised to affix the Seal of Council and execute any documentation associated with the lease renewal.

CARRIED UNANIMOUSLY



**12. Community Planning & Strategies Division**

**12.1 Changes to Local Developer Levies - Section 94 (8888818)**

98 RESOLVED: Hawker/Jeffreys

That the report and letter contained in Attachment 1 be received and noted.

CARRIED UNANIMOUSLY

**12.2 Minutes Southern Councils Group AGM and Ordinary meeting of 7 March 2008 (888571)**

Councillor Leedham stated that he had put in an apology for the Southern Councils Group Meeting held on 7 March but it was not recorded in the Minutes.

The Mayor confirmed that he had passed on his apology to the meeting. The General Manager stated that this would be raised at the Confirmation of Minutes at the next meeting.

Councillor Jeffreys asked that Council forward congratulations to Mayor Cr Sandra McCarthy of Kiama Council who was elected Chairman of the Southern Councils Group.

The Mayor responded that letters of congratulations would be sent to both the Chairman Mayor Cr Sandra McCarthy and the Deputy Chair Mayor Cr Gordon Lewis of Wingecarribee Council.

99 RESOLVED: Leedham/Greig

That Council endorse the minutes of the Southern Councils Group meetings held March 7<sup>th</sup> 2008 as attached to this report.

CARRIED UNANIMOUSLY

**13. Shell Cove Business Division**

Nil

**14. Committee Recommendations**

**14.1 Recommendations from the Traffic Committee Meeting held 2 April 2008 recommended for adoption.**

Item 14.1 brought forward following Item 7 – see Min No. 85.

**15. Notices of Rescission Motion**

Nil

**16. Notices of Motion**

Nil

**17. Items for Information**

**17.1 Killalea State Park Trust Council Information Reports for January and February 2008 (8888446)**

Councillor Rose stated that he did not agree with how the Items for Information were dealt with at the last Council Meeting without the opportunity for Public Participation and stated that Council should have a policy in relation to these items.

The General Manager responded that this would be investigated but he believed Council acted correctly last meeting in accordance with its current policy.

100 RESOLVED: Bird/Gillett

That Council receive and note the item for information.

CARRIED UNANIMOUSLY

**Matter Arising**

Council's delegate to the Trust, Councillor Bird, invited any Councillors who had questions in relation to the Trust's activities to pass them on to him to take back to the Trust.

**18. Questions without Notice**

**101 Councillor Stewart** stated that the Oak Flats Progress Society recently celebrated their 60<sup>th</sup> Anniversary and they have asked her to convey their thanks to Council for its contribution to the community BBQ held last Friday, especially for the assistance of Councillor Greig, Joanne Moore and Craig Swaney.

**102 Councillor Hore** stated that he was approached by a gentleman in Shellharbour Square recently concerned about rumours that the new Shellharbour Bowling Club will not be built and asked for Council's opinion.

The General Manager responded that this is the subject of negotiations between Warilla Bowling Club and the Shell Cove Project and he understood it was proceeding. He would follow it up.

**103 Councillor Bird** requested that representations be made to the Police regarding trail bike riders using Council's Reserves.

**104 Councillor Gillett** stated that there were problems with drivers parking in No Stopping areas in George Street, Warilla and asked if Council can investigate this.

**105 Councillor Rose** stated that concerns were raised to him at a recent residents meeting in relation to private certifiers and the condition of a property in Shell Cove and asked what Council can do to protect its residents.

The General Manager responded that this was a State Government matter and that the complaint in relation to this particular site and the private certifier details would be referred to the relevant department.

**106 Councillor Rose** stated that the stone wall along Wattle Road, Blackbutt still had a cyclone fence surrounding it and asked when this would be removed.

**107 Councillor Bailey** stated that there were safety concerns in Barrack Avenue, Barrack Heights as drivers travelling from Lagoon Street and turning left into Barrack Avenue cannot see parked cars.

The Mayor responded that this would be referred to the Traffic Committee.

**108 Councillor Briggs** stated that he has also been contacted by a member of the Shellharbour Bowling Club who has been informed that the new club will not be built and asked if this could be investigated.

**109 Councillor Hawker** asked when the roundabout at Church & Terry Streets, Albion Park would be completed.

The Group Manager of Works & Services responded that there had been delays with the relocation of a water main but Sydney Water would be completing the work this week and this would enable Council to finish the roundabout in the school holidays.

- 110 Councillor Hawker** asked how often Integral Energy check that street lights are working.

The Director of Operations & Services responded that Integral Energy only do an inspection when requested.

- 111 Councillor Hawker** asked if it was true that the Public Inquiry hearing is to take place in Dapto, within Wollongong City, rather than within our own City.

The Mayor responded that this was correct and that he will be voicing his displeasure in relation to this.

- 112 Councillor Greig** stated that the rubbish being placed outside the charity bins in Albion Park Rail was still a continuing problem, and stated that the owners of the bins need to take responsibility and either remove the rubbish each day, or remove the bins altogether. Councillor Greig asked that Council take action in relation to this as the owners of the bin have been given enough notice.

- 113 Councillor Greig** stated that she had attended the opening of the Tongarra Family Cottage recently and wished to congratulate the Principal of Albion Park Rail Public School for this initiative which will benefit young mothers and families. Councillor Greig encouraged all Councillors to approach the Principal to have a tour of the Cottage.

- 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)**

**Meeting closed 8.55 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 29 April 2008.

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General Manager

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Chairperson