

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Warilla  
on Tuesday 10 June 2008 commencing at 7.15pm**

**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
D Ward	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.	M Forland
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 Planning Services	G Hoynes
Corporate Solicitor – Manager Legal & Property Services	B McCann
Acting Manager Development Services	G Meredith
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	N East
Senior Development Assessment Officer	C Bern
Executive Assistant	J Frasca

## **Acknowledgement to Country**

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting.

The Mayor introduced Melissa Forland, Council's new Group Manager Community Services.

### **1. Apologies / Leave of Absence**

#### **Ordinary Council Meeting**

Apologies were tendered on behalf of Cr Briggs and Cr Leedham

191 RESOLVED: Hore/Rose. That the apologies 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 20 May 2008**

192 RESOLVED: Hawker/Rose That the Minutes of the Ordinary Council Meeting held on 20 May 2008 be confirmed as a correct record of proceedings.

Cr Jeffreys abstained as she was not present at the meeting on 20 May 2008.

#### **4.2 Committee of the Whole 20 May 2008**

193 RESOLVED: Rose/Bird That the Minutes of the Committee of the Whole Council Meeting held on 20 May 2008 be confirmed as a correct record of proceedings.

Cr Jeffreys abstained as she was not present at the meeting on 20 May 2008.

### **5. Pecuniary Interest**

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

Nil.

## **6. Condolences**

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

Mr Alan Ward	of	Albion Park
Mr Gavin Arthur	of	Albion Park
Mrs Jean Dudgeon	of	Albion Park
Mr Jeff Neden	of	Albion Park
Mrs Spasija Sekulovska	of	Balarang
Mrs Ada Barker	of	Barrack Heights
Mrs Elizabeth Ethel (Betty) Webb	of	Barrack Heights
Mr John Campbell	of	Barrack Heights
Mrs Jean Yetts Whiteford	of	Lake Illawarra
Mrs Laurel Barker	formerly of	Lake Illawarra
Mrs Zofia Sak	of	Lake Illawarra
Mrs Vera Richards	of	Lake South
Mr Stewart Russell Yeates	of	Mt Warrigal
Mr Frederick Robert Hardy	of	Shellharbour
Mrs Colleen Koch	of	Shellharbour
Mr Ronnie Teasedale	of	Shellharbour
Mrs Ada Mary Kellett	formerly of	Warilla
Mrs Anna Rowles	of	Warilla
Mrs Gertrude (Trudy) McInally	of	Warilla
Mr Sean Howley	of	Warilla

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

## **7. Presentations**

Nil

**8. Mayoral Minute**

**8.1 Australian Mayoral Aviation Council Conference (8923777)**

195 RESOLVED: Hawker/Hore

1. That Council authorise the Mayor and any other interested Councillors wishing to attend the Australian Mayoral Aviation Council Conference to advise the General Manager.
2. Further that the General Manager be authorised to send any relevant staff to the conference.

CARRIED UNANIMOUSLY

**9. Councillors' Reports**

Nil

**10. General Manager's Office**

196 RESOLVED: Jeffreys/Gillett that Item 10.1 be considered as a late report as a matter of urgency.

CARRIED UNANIMOUSLY

**10.1 Granting of access to confidential report by Mr Gerry Holmes (8928920) - LATE REPORT**

MOTION: Rose/Greig That this matter be deferred.

Councillor Hawker FORESHADOWED a MOTION that if the MOTION was lost that he would move the recommendation as printed in the business paper.

"That Council grant access to the Confidential Report on Tenders for the Collection of Waste and Recoverable Resources and/or the Processing of Recyclables to Mr Gerry Holmes, of Holmes and Reynolds on a confidential basis, solely for the purpose of assisting Council in its representations to the Public Inquiry."

197 The MOTION on being PUT to the meeting was LOST 4/7

FOR VOTE - Cr Stewart, Cr Rose, Cr Mifsud, Cr Greig

AGAINST VOTE - Cr Hamilton, Cr Hawker, Cr Bailey, Cr Bird, Cr Gillett, Cr Hore, Cr Jeffreys

198 The FORESHADOWED MOTION then became the MOTION and was seconded by Cr Bird and on being PUT to the meeting was CARRIED 8/3

FOR VOTE: Cr Hamilton, Cr Hawker, Cr Bailey, Cr Mifsud, Cr Bird, Cr Gillett, Cr Hore, Cr Jeffreys

AGAINST VOTE: Cr Rose, Cr Stewart, Cr Greig

**11. Operations & Services Division**

**11.1 Request to Vary the Terms of Positive Covenant Numbered 5 (Asset Protection Zone) of a Section 88B Restriction on the Use of Land at Lot 204, DP 1091773, 13 Kite Place, Blackbutt (8913680)**

An amended site plan was tabled at the Meeting to replace the incorrect plan circulated with the Report.

199 RESOLVED: Bird/Jeffreys

That the Council agree to the request to vary the Restriction Numbered 5 in the Section 88B Instrument applicable to Lot 204, DP 1091773, 13 Kite Place, Blackbutt to the extent proposed by Development Application No. 142/2008, subject to all costs arising from the preparation of documentation for lodgement with the Department of Lands and including any cost incurred by Shellharbour City Council, being borne by the registered proprietors of the subject lot.

CARRIED UNANIMOUSLY

**11.2 Order for Demolition of Dwelling & Detached Garage - Lot A, DP 161334, 62 Terry Street, Albion Park (8924120)**

200 RESOLVED: Rose/Hawker

That the Council issue the property owner with an Order No. 2 under Section 121B of the *Environmental Planning & Assessment Act, 1979* for the demolition of the dwelling and detached garage at Lot A, DP 161334, 62 Terry Street, Albion Park.

CARRIED UNANIMOUSLY

**11.3 Variation to Contract No. 2007/36 (8923278)**

201 RESOLVED: Hore/Jeffreys

1. That the Council resolve to vary Contract 2007/36 to allow for:
  - a. an upfront payment of \$35.65 (ex GST) per bin for the new garden vegetation bins supplied under the Contract
  - b. a reduction in the Contractor's fee for the servicing of the garden vegetation bins from \$1.1356 to \$0.7500 per bin.
2. That the cost of the bins be funded from the Domestic Waste Management Service restricted asset and amend the budget accordingly.

CARRIED UNANIMOUSLY

**11.4 Illawarra Climate Change Risk Planning Funding (8923439)**

202 RESOLVED: Hawker/Bailey

That the Council resolve to endorse the acceptance of the Department of Climate Change's grant offer of \$50,000 to fund risk management and action planning as part of the Illawarra Climate Change Risk Planning Project and to amend the budget accordingly.

CARRIED UNANIMOUSLY

**11.5 Community Land Plan of Management - Rowland Avenue, Mount Warrigal (8923771)**

203 RESOLVED: Bailey/Rose

1. That Council adopt the Community Land Plan of Management for Lot 2 DP 543320, Rowland Avenue, Mount Warrigal as annexed, that incorporates a boundary adjustment to two (2) adjoining parcels of Community Land to create a single allotment.
2. That the Mayor and General Manager be authorised to sign and affix the Seal of Council to any documentation relating to the boundary adjustment for Lot 2 DP 543320, Rowland Avenue, Mount Warrigal.

CARRIED UNANIMOUSLY

**12. Community Planning & Strategies Division**

**12.1 Affix Seal to Service Agreement Department of Community Services (DoCS) & Report on Achievement Youth Workers in School Project (8919923)**

204 RESOLVED: Jeffreys/Bailey

That Council resolve to affix the Seal of Council to:

1. The Service Agreement with the NSW Department of Community Services for Community Transport Brokerage, Grandparents Picnic, Salary Subsidies for; Shellharbour Community Worker, Shellharbour Youth Worker positions 1 & 2 and Warilla Child Care Centre Long day care Subsidies.
2. The Report on Achievement of Youth Workers in Schools Project.

CARRIED UNANIMOUSLY

**12.2 National Respite for Carers Program - Extension of Funding (8923559)**

205 RESOLVED: Jeffreys/Bailey

That Council resolve to affix the Seal of Council to the Funding Agreement from the Department of Health and Ageing when it is received.

CARRIED UNANIMOUSLY

**13. Shell Cove Business Division**

Nil

**14. Committee Recommendations**

**14.1 Recommendations from the Aboriginal Advisory Committee Meeting held 13 May 2008 recommended for adoption.**

206 RESOLVED: Bird/Hore

That the Recommendations from the Aboriginal Advisory Committee Meeting held 13 May 2008 be adopted.

CARRIED UNANIMOUSLY

**15. Notices of Rescission Motion**

Nil

**16. Notices of Motion**

Nil

**17. Items for Information**

207 RESOLVED: Hawker/Gillett that Item 17.1 be considered as a late report as a matter of urgency.

CARRIED UNANIMOUSLY

**17.1 Ashburton Drive, Albion Park - Installation of Guardrail from Burdekin Drive to Mortlock Drive (8926715) - LATE REPORT**

208 RESOLVED: Hawker/Jeffreys

That a report on the installation of a guard rail in Ashburton Drive between Burdekin Drive and Mortlock Drive be presented to the next Traffic Committee and that the RTA be requested to fund 50% of the cost of this facility.

CARRIED UNANIMOUSLY



**18. Questions without Notice**

- 209 Cr Stewart** mentioned that a BBQ is going to be installed at Wilson Park Albion Park Rail, which is being funded from section 94 and asked how her request for the installation of a covered BBQ in Central Avenue Oak Flats was progressing.

The Director Operations & Services advised that he had met with the Lake Authority and they have agreed to meet 50% of the cost of a BBQ and shelter in Central Avenue, so it can now move forward.

- 210 Cr Stewart** thanked the Director Operations & Services and council staff for their endeavour to secure a dog agility area.

- 211 Cr Jeffrey**s asked how a Council seal approval can operate if Council is dismissed and an Administrator is appointed.

The Mayor advised that the Administrator becomes the governing body.

- 212 Cr Bird** asked if an organisation wanted to use a beach to host an event would Council be informed.

The Director Operations & Services advised that they would need to lodge a Local Approval.

- 213 Cr Bailey** asked if it would be possible to have an artificial athletics track constructed somewhere in the City.

- 214 Cr Hawker** stated that the naming of John Shephard Reserve function was well done. He also asked if it would be possible to set up plaques at the front of a number of pioneer farms in the City, which outlines their historical significance.

- 215 Cr Hawker** asked what action has been taken in regards to Item 16.2 of the Ordinary Council Meeting of the 29<sup>th</sup> April 2008 regarding the Land & Environment Court case and sought approval to resolve into Confidential Meeting to hear the reply.

The Mayor replied that this could not legally occur.

- 216 Cr Greig** asked could the legal advice in regards to Item 16.1 of the Ordinary Council Meeting of 29<sup>th</sup> April 2008 regarding the Shell Cove Management Agreement be provided to the next Council Meeting.

- 217 Cr Greig** asked what the present situation is with respect to the house under construction at 59 Minda Crescent, which had been uncompleted for many years and which was a source of complaints by nearby neighbours.

The Acting Manager Development Services advised that the property had changed hands and a Development Application for alterations and additions to the original approval had

been submitted and approved. The property is either near completion or completed, in his opinion.

**Meeting closed 8.10 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 1 July 2008.

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General Manager

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Chairperson