

**Minutes of the Ordinary Meeting
of Shellharbour City Council**

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 15 September 2009 commencing at 6.08 pm**

Present

Administrator

Mr D Jesson

In attendance

General Manager

B A Weir

Director of Operations & Services

A Webster

Director Shell Cove Business Unit

P Woodcock

Manager Executive Offices

F MastroDomenico

Manager Media & Communications

N East

Executive Assistant

J Frasca

Executive Assistant

D Arney

Acting Manager Development Services

G Meredith

Corporate Solicitor

B McCann

Group Manager Customer & Environmental Services

G Standen

Group Manager Development & Technical Services

M Boenisch

Manager Environment & Recreation

M Fields

Senior Strategic Planner

M Tuffy

1. Acknowledgement to Country

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

Webcasting

Administrator's Comment

The public gallery should note that Council webcasts its Council Meetings live to enhance the accessibility of Council Meetings to the broader Shellharbour City Community.

Council Meetings can now be viewed live via webcast, downloaded from Council's website for later viewing, or purchased from Council for viewing on a computer.

At the appropriate time during the meeting pre registered or invited members of the gallery may Address the Council at which time their image, comments or submissions will be broadcast live and recorded.

Council accepts no responsibility for any defamatory or offensive statements.

Please ensure that mobile phones and other electronic devices are turned off or are in silent mode for the duration of the meeting.

2. Confirmation of Minutes

2.1 Ordinary Meeting 25 August 2009

161 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 25 August 2009 as circulated be taken as read and confirmed as a correct record of proceedings.

3. Apologies / Leave of Absence

Nil

4. Confidential Business (Committee of the Whole)

Nil

5. Pecuniary Interest and Conflict of Interest Declarations

Nil

6. Condolences

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

Mr John Leslie Gornall	of	Albion Park
Mr John Land	of	Albion Park Rail
Mrs Muriel Hutchison	formerly of	Albion Park Rail
Mrs Dorothy (Dot) Isabella Millership	of	Barrack Heights
Mrs Margaret (Jean) Ison (Nee Bates)	of	Barrack Heights
Mr Leslie Jones	of	Barrack Point
Mrs Dulcie Dalton	of	Lake Illawarra
Mrs Phyllis Iris May Jermey (Formerly Harris)	of	Lake Illawarra
Mr Charles (Mac) MacFarlane	of	Mount Warrigal
Mrs Freda Mallon	of	Mount Warrigal
Mr Kevin O'Connor	of	Mount Warrigal
Mr Franjo (Frank) Skvaric	of	Shellharbour
Mr Anthony John Tony Merton	of	Warilla
Mr Paul Bruce England	of	Warilla
Mr Ron Gordon	of	Warilla
Mrs Alice Ethna Sykes	formerly of	Warilla
Mr Craig Arnett	formerly of	Warilla
Mr Lloyd Roberts	formerly of	Warilla

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

SHELLHARBOUR CITY COUNCILOrdinary Council Meeting - Tuesday 15 September 2009

7. Addresses to Council

Agenda Item No & Title	Name
12.2.1 Tullimbar Village: Proposed Modifications to Building Design Guidelines - Stages 1B1, 1B6, 1B2-1B5	Lawson Fredericks Diane Quinlin Peter Moran
12.2.6 Department of Environment, Climate Change & Water: Coastal Management Program: Grant Funding Offer	Diane Quinlin
12.2.8 Swimming Pools: Amended Fees and Charges (9164744)	Sonya McKay Geoff Rose James Egan Robert Cusack Shane Dowell Peter O'Driscoll
12.2.13 Part Lot 2001 DP 1132715, Illawarra Regional Airport Terminal Building: Lease Icon Initiatives Pty Ltd trading as The Aviator Lounge (9167890)	Sonya McKay
12.3.2 Shellharbour Local Government Area Employment Lands Study	Sonya McKay
14.1 Reprioritisation of the Standard LEP Program	Sonya McKay

8. Adjournment – Consideration of Addresses to Council**Meeting adjourned at 7.27pm****Meeting resumed at 8.05pm**

9. Administrator's Statements / Reports / Presentations

The Administrator outlined the functions he had attended since the last Council Meeting.

10. Councillors' Reports (not applicable at this time)

Nil

11. Administrator's Minutes

11.1 Kiama Municipal Council: 150th Anniversary (9168407)

163 RESOLVED:

1. That Shellharbour City Council formally congratulate the Municipality of Kiama on celebrating its sesquicentenary.
2. That the Mayor, Councillors and General Manager be congratulated on the appropriateness and success of the events held to commemorate the sesquicentenary.
3. That Shellharbour City Council reaffirm its continuing commitment to operate in a spirit of mutual co-operation with Kiama Municipal Council.

12. Reports

12.1 General Manager's Office

12.2 Operations & Services Division

12.2.1 Tullimbar Village: Proposed Modifications to Building Design Guidelines - Stages 1B1, 1B6, 1B2-1B5 (9159230)

164 RESOLVED:

That this item be deferred to the next Ordinary Meeting of Council for further Report

12.2.2 Regional Roads Repair Program 2009/2010: Grant Funding (9159559)

165 RESOLVED:

1. That the Council accept the RTA's offer of \$25,000 for the Regional Roads Repair Program 2009/2010 for use on Council's regional road, Terry Street, Albion Park.

2. That authority be given for the General Manager to execute all necessary documents under Council's Seal as appropriate in relation to this program.
3. That the budget be amended accordingly.

12.2.3 Floodplain Management Program: Grant Funding (9161820)

166 RESOLVED:

1. That the Council endorse the actions of the General Manager in accepting the grant offer from the Minister for Climate Change, Environment & Water.
2. That any necessary documentation be executed by the Council under seal.
3. That Council allocate \$15,000 toward this program of studies from the Stormwater Management Service Charge Program.
4. That Council write a letter to the Minister for Climate Change, Environment & Water, Hon Carmel Tebbutt thanking her for the grant offer.
5. That the budget be amended accordingly.

12.2.4 Revocation of Dangerous Dog Declaration (9157071)

167 RESOLVED:

That the Council revoke the Dangerous Dog Declaration, the subject of this report, as requested by the owner.

12.2.5 Revocation of Restricted Dog Declaration (9157332)

168 RESOLVED:

That the Council revoke the Restricted Dog Declaration, the subject of this report, as requested by the owner.

12.2.6 Department of Environment, Climate Change & Water: Coastal Management Program: Grant Funding Offer (9159966)

169 RESOLVED:

1. That the Council accept the grant funding totalling \$18,000 from the NSW Department of Environment, Climate Change & Water.
2. That the Council allocate its 50% matching funding as follows:
 - a. \$16,900 from Council's existing Beach Maintenance Program allocation
 - b. \$1,100 from savings to be identified at a future quarterly budget review.
3. That the budget be amended accordingly.

12.2.7 Sport & Recreation Capital Improvement Requests (9160095)

170 RESOLVED:

That Council allocate:

- a. \$13,200 from City-wide Sportsfield funds to assist Albion Park Cricket Club with upgrading the clubhouse at Keith Grey Oval, Albion Park
- b. \$9,400 from City-wide Sportsfield funds to assist Graham Park Tennis Club upgrade the tennis courts at Graham Park

and amend the budget accordingly.

12.2.8 Swimming Pools: Amended Fees and Charges (9164744)

171 RESOLVED:

That the Council adopt the following amended fees and charges for public swimming pools:

1. Oak Flats Heated Pool
 - a. Family passes be reintroduced at \$280 for a three month pass and \$390 for a six month pass.
 - b. All family passes to allow entry of a family as defined by Medicare card.
 - c. A \$1 entry fee for pensioners who reside in the Shellharbour City area.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 15 September 2009

2. General admission charge be introduced for Warilla, Albion Park and Oak Flats cold water pools:
 - a. adults \$2
 - b. children/concession (includes all pensioners) \$1
 - c. family pass \$4.

3. Season entry passes be introduced for Warilla, Albion Park and Oak Flats cold water pools:
 - a. adults \$ 90
 - b. children/concession (includes all pensioners) \$ 45
 - c. family pass \$180

4. Fee for exclusive use of Warilla, Albion Park and Oak Flats cold water pools for swimming club point score - \$70 per hour.

5. Fee for carnivals including swimming clubs and schools at Warilla, Albion Park and Oak Flats cold water pools:
 - a. Monday – Friday in normal operating hours - \$70 per hour
 - b. Saturday - \$87.50 per hour
 - c. Sundays and Public Holidays - \$105 per hour.

6. Swimming season for Warilla and Albion Park cold water pools to be amended to open Monday 2 November 2009 and operate until Friday 2 April 2010.

7. A review of operating budget be conducted in June 2010. If the operating budget for pools is better than forecasted, consideration be given to the installation of hot showers at the pools.

8. That the net income generated by cold water swimming pool fees and charges be paid to the credit of an internally restricted reserve to be used for either:
 - funding future capital works (including investigative/consultative processes) associated with maintaining the operation of the three existing cold water pools; or
 - future capital works (including investigative/consultative processes) associated with the provision with a new (yet to be defined) aquatic centre.

9. That the public submissions made be received, taken into consideration and noted.

12.2.9 Code of Meeting Practice: Proposed Adoption of Draft Amendments (9165067)

172 RESOLVED:

1. That Council adopt the following additions to the existing Code of Meeting Practice, to operate and have effect from 15 September 2009:

Clause 13 Addresses to Council

13.3.7 If the Chairperson of a Council meeting considers that a member of the public is behaving inappropriately when addressing a Council meeting the Chairperson may request the person to refrain from the inappropriate behaviour. If the member of the public fails to refrain from the inappropriate behaviour whilst addressing the Council meeting the Chairperson may immediately require the person to stop speaking and despite any other provision of clause 13 may prohibit that person from addressing the current and/or any future Council meeting for such period as the Chairperson thinks fit. *Policy*

13.3.8 If the Chairperson of a Council meeting considers that a member of the public has made inappropriate comments when addressing a Council meeting the Chairperson may request the person to withdraw the inappropriate comments and unreservedly apologise for them. If the member of the public fails to withdraw the inappropriate comments and/or to unreservedly apologise for them the Chairperson may immediately require the person to stop speaking and despite any other provision of clause 13 may prohibit that person from addressing the current and any future Council meeting until such time as the inappropriate comments are withdrawn and an unreserved apology is made for them in writing to the Council. *Policy*

13.3.9 A Councillor may, without notice, move to dissent from the ruling of the Chairperson in relation to the period that a member of the public is prohibited from addressing any Council meeting. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent. If a motion of dissent under this clause is carried a further motion proposing a different period of prohibition must be moved and seconded.

13.3.10 A Councillor is unable to move dissent from a ruling if the Chairperson has required a person making inappropriate comments to withdraw them and to unreservedly apologise for them prior to addressing the current or any future meeting.

- 13.3.11 During the period that a person is prohibited by the Chairperson from addressing a Council meeting that person shall not be able to register under clause 13.2 to address a Council meeting.

12.2.10 Disclosure of Interest Returns (9297977)

173 RESOLVED:

1. That the names and positions set out in this report be identified as the designated persons for the lodgement of Disclosure of Interest Forms for Shellharbour City Council for the term 1 July 2008 to 30 June 2009.
2. That Council note the tabling of the register of returns.

12.2.11 Donation Requests (9158387)

174 RESOLVED:

That Council donate the following donations/contributions totalling \$5527:

- | | |
|---|--------|
| 1. Albion Park Red Cross -
offset costs of hire of Centenary Hall Annexe for monthly meetings of 2 hour duration and one day long function for period from July 2009 to December 2009 (6 months) | \$285 |
| 2. Oak Flats Red Cross -
offset costs of hire of Oak Flats Neighbourhood Centre for 10 monthly meetings of 2 hour duration plus one day long function from July 2009 to December 2009 (6 months) | \$250 |
| 3. RSL Macquarie Day Care Club -
offset costs for hire of Centenary Hall Annexe for weekly meetings from 8.00am - 2.00pm from July to December 2009 | \$2592 |
| 4. Shellharbour Public School -
purchase 150 trees to celebrate school's 150 year anniversary | \$250 |
| 5. Illawarra Koori Men's Support Group -
sponsor annual NAIDOC Bowls Day | \$500 |
| 6. Auntie Jean's Chronic Care Koori Mini Olympics -
Contribute towards attendance by Koori Elders Social Group | \$500 |
| 7. Tullimbar Public School -
Book vouchers for end of year presentations. | \$300 |
| 8. Albion Park A H & I Association -
Offset costs for hire of Centenary Hall for Annual Show | \$500 |

9. South Coast Area Combined Pensioners -
Christmas function for members of Warilla and Oak Flats
Branches of the Combined Pensioners Association \$350

12.2.12 Illawarra Light Railway Museum Society Incorporated: Affix of Council Seal to Lease Plan (9163037)

175 RESOLVED:

That Council affix the Seal of Council to the Deposited Plan Administration Sheet to allow registration of the Lease for the property tenanted by the Illawarra Light Railway Museum Society Incorporated.

12.2.13 Part Lot 2001 DP 1132715, Illawarra Regional Airport Terminal Building: Lease Icon Initiatives Pty Ltd trading as The Aviator Lounge (9167890)

176 RESOLVED:

1. That Council enter into a five year lease agreement with Icon Initiatives Pty Ltd Trading as The Aviator Lounge for occupation of the restaurant area within Council's Terminal Building being part Lot 2001 DP 1132715 for a term of five years at a rental of \$20,000.00 (INDEXED) plus GST per annum.
2. That Council enter into a five year occupation agreement with Icon Initiatives Pty Ltd Trading as The Aviator Lounge for occupation of part of the remaining ground floor area (excluding common areas) within Council's Terminal Building being part Lot 2001 DP 1132715 for a term of five years, subject to one months termination notice, at a rental of \$8,500.00 plus GST per annum.
3. That the lease and occupation agreements be executed by the Administrator and General Manager under Council Seal.

12.3 Community Planning & Strategies Division

12.3.1 Draft Shellharbour Open Space, Recreational Needs Community Facilities Design Guidelines and Prioritisation Criteria (9164954)

177 RESOLVED:

1. That Council endorse the Draft Shellharbour Open Space, Recreation and Community Facilities Needs Study including the Recommendations, Design Guidelines and Prioritisation Criteria for the purposes of public exhibition and community consultation.

2. That a report be submitted back to Council on the outcomes of the Community Engagement process.
3. That the outcomes of the community consultation process regarding the Shellharbour Open Space, Recreation and Community Facilities Needs Study including the Recommendations, Design Guidelines and Prioritisation Criteria be reported to the Council, after which they will be used as a strategic policy basis for the review of Council's:
 - Local Environmental Plans
 - Development Control Plans
 - Section 94 Plan
 - Community Land Plans of Management

assist in the preparation of Council's:

- Comprehensive City Wide Local Environmental Plan
- Comprehensive City Wide Development Control Plan
- Community Infrastructure Plan
- Asset Management Strategy and Plans
- Community Facilities Policy

assist Council in meeting the functional and policy requirements of the Integrated Planning & Reporting initiative contained in the amended Local Government Act.

12.3.2 Shellharbour Local Government Area Employment Lands Studies (9165032)

178 RESOLVED:

That Council endorse the Shellharbour LGA Employment Lands Study and Shellharbour LGA Employment Land Forecasts - Demand/Supply Analyses:

- as a strategic base for the preparation of Council's Comprehensive City Wide Local Environmental Plan and Development Control Plan
- to inform development proposal/application conceptualisation and assessment

12.3.3 Draft Revised Waste Minimisation and Management DCP (9165809)

179 RESOLVED:

That Council:

1. Prepare amendments to the Waste Minimisation and Management Development Control Plan in accordance with Section 74C of the *Environmental Planning and Assessment Act 1979*, generally in

accordance with the Draft Development and Control Plan contained in Attachment 1 of this report.

2. Publicly exhibit the Draft Waste Minimisation and Management Development Control Plan for a minimum period of 28 days, and in accordance with Council's Community Engagement Policy.
3. Require a report back to Council after the exhibition period has closed that includes a summary of submissions received and staff comments in relation to matters arising in any submissions.

12.4 Shell Cove Business Division

13. Committee Recommendations

13.1 Recommendations from the Traffic Committee Meeting held 2 September 2009 recommended for adoption.

180 RESOLVED:

That the Recommendations from the Traffic Committee Meeting held 2 September 2009 be adopted.

14. Items for Information

14.1 Reprioritisation of the Standard Local Environmental Plan (LEP) Program (9169008)

14.2 Investments (9168486)

181 RESOLVED:

That the Items for Information be received and noted.

15. Notices of Rescission/Alteration Motions

Nil

16. Notices of Motion

Nil

17. Questions without Notice

18. Questions on Notice

19. Urgent Business

20. Committee of the Whole in Closed Session: Adjournment

Nil

21. Committee of the Whole: Consideration of Adoption of Decisions Reached in Closed Session

Nil

22. Committee of the Whole: Consideration of Declassification of Reports

Meeting closed 8.57 pm