

**Minutes of the Ordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Council Administration Centre  
Shellharbour City Centre  
on Tuesday 11 June 2013 commencing at 6.33 pm**

**Present**

Mayor	M Saliba
Deputy Mayor	P Rankin
Councillor	K Marsh
Councillor	D Boyle
Councillor	H Stewart
Councillor	J Murray
Councillor	P Moran

**In attendance**

General Manager	M Willis
Director City Outcomes	C McIntyre
Director Corporate Policy	L Furness
Director Shellharbour Enterprises	B Green
Executive Manager / Public Officer	F MastroDomenico
Group Manager Infrastructure Services	M Boenisch
Group Manager Finance	T Gearon
Group Manager City Strategy	G Hoynes
Group Manager City Development	G Meredith
Manager Property & Recreation	D Flanagan
Media Officer	C Lewis
Acting Information Technology Manager	M Baez
Senior Executive Assistant	L Davey

**1. Acknowledgement to Country**

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting and pays its respects to Elders past and present.

**Webcasting Statement**

The Mayor read the usual advice regarding the webcasting of the meetings of the Council.

**2. Confirmation of Minutes**

**2.1 Ordinary Meeting 21 May 2013**

140 RESOLVED: Marsh/Rankin

That the Minutes of the Ordinary Council Meeting held on 21 May 2013 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

**2.2 Extraordinary Meeting 3 June 2013**

141 RESOLVED: Rankin/Boyle

That the Minutes of the Extraordinary Council Meeting held on 3 June 2013 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

**3. Apologies / Leave of Absence**

**Ordinary Council Meeting**

Nil

**4. Confidential Business (Committee of the Whole)**

Nil

## SHELLHARBOUR CITY COUNCIL

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### 5. Pecuniary Interest and Conflict of Interest Declarations

Nil

### 6. Condolences

The Council acknowledged the following deaths in the Local Government area.

Mrs Luba Nedeska	of	Albion Park
Mr Stojan Tatalovic	of	Albion Park
Mr Frank George Hurley	of	Albion Park Rail
Mrs Iris Smith	of	Albion Park Rail
Mrs Mercedes Luque	of	Mt Warrigal
Mrs Ermioni Ziogas	of	Oak Flats
Mrs Doris Sammut-Alessi	of	Shellharbour
Mrs Norma Natalie Kearney	of	Shellharbour
Mr James Kenneth Cox	of	Warilla
Mr Peter O'Donnell	of	Warilla
Mr Timothy Hambridge	formerly of	Warilla

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

### 7. Addresses to Council

Please note the following clauses from Council's Code of Meeting Practice:

#### 13.3 Conduct of Addresses

13.3.1 *The duration of individual addresses is strictly limited to three minutes including any summary and/or conclusion, however, the Mayor may exercise reasonable and limited discretion to extend this limit.*

13.3.2 *Only the Chairperson is permitted to ask questions of any person addressing the Council.*

**SHELLHARBOUR CITY COUNCIL**Ordinary Council Meeting - Tuesday 11 June 2013

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<b>Agenda Item No &amp; Title</b>	<b>Name</b>
11.1.1 Submission: Independent Local Government Review Panel Consultation Paper "Future Directions for NSW Local Government - Twenty Essential Steps"	Sonya McKay
11.2.1 Adoption of Shellharbour Development Control Plan	Toni Hulme
11.2.2 Council Submission on a New Planning System for New South Wales White Paper	Sonya McKay
11.2.3 Planning Proposal 2 - Shellharbour Local Environmental Plan 2013-23 George Street, Warilla	Phillip Allen
11.3.6 Appointment of Independent Member to Council's Governance Risk & Audit Committee	Sonya McKay
13.6 Response to Notice of Motion submitted by Cr Peter Moran: Bus Stop Peterborough Avenue, Lake Illawarra	Anna Lukies Harold Lukies

143 RESOLVED: Murray/Marsh

That Standing Orders be suspended in order for Items 11.1.1, 11.2.1, 11.2.2, 11.2.3, 11.3.6, and 13.6 the subject of Addresses to Council, to be considered here in the agenda.

CARRIED UNANIMOUSLY

**11.1.1 Submission: Independent Local Government Review Panel Consultation Paper "Future Directions for NSW Local Government - Twenty Essential Steps" (9936722)**

144 RESOLVED: Murray/Rankin

1. That Council prepare a submission to the Local Government Independent Review Panel's Consultation Paper "Future Directions for NSW Local Government Act - Twenty Essential Steps" to include:
  - 1.1 Confirmation of the Council submission on "Better, Stronger Local Government", subject to any changes it may wish to make following the Panel Workshop on 3 June.
  - 1.2 Support for the proposed Illawarra County Council (however named) on the basis that the current council boundaries remain unchanged, and provided that the proposed governance and functional arrangements set out in section 13 of Future Directions are translated into legislation, and that the basis and tenure of mayors who would serve on an Illawarra County Council be the same for each constituent council.
  - 1.3 That the Council confirm its current opposition to the proposed extensions of powers to mayors, and especially to the notion of maximum terms for mayors and councillors.
  - 1.4 Clarification of the proposal on Guiding the General Manager to exclude the words "manage".
  - 1.5 Such other matters as the Council may determine.
2. That the Mayor be authorised to sign the final submission.

CARRIED UNANIMOUSLY

**11.2.1 Adoption of the Shellharbour Development Control Plan (9932002)**

Councillor Marsh asked if there was anything that can be done relating to the issues raised by Ms Hulme during her Address to Council and asked if Councillors can be reminded of the situation relating to that block of land. The Group Manager City Strategy took the Question on Notice.

145 RESOLVED: Murray/Boyle

That Council:

1. Adopt the Shellharbour Development Control Plan as contained in Attachment 3.
2. Repeal the following Development Control Plans and Policies:
  - Albion Park Aerodrome Buffer Area DCP
  - Albion Park Rural Residential DCP
  - Blackbutt Rural Residential DCP
  - Dunmore Lakes Estate DCP
  - Dunmore Wetlands DCP
  - Former School Site, Shellharbour Road (Tawarra Site) DCP
  - Macquarie Rivulet Delta DCP
  - Medium Density DCP
  - On-site Waste Water Management for Single Residences DCP
  - Residential DCP
  - Residential Infill DCP
  - Residential Subdivision DCP
  - Shell Cove DCP
  - Tullimbah Village DCP
  - Temporary Accommodation for Aged Persons Policy
  - Woodlands Estate DCP
  - Albion Park Commercial DCP
  - Commercial DCP
  - Lake Entrance Road, Blackbutt DCP
  - Motor showroom DCP
  - Service Station DCP
  - Alfresco Dining DCP
  - Warilla Professional Suites DCP
  - Shellharbour City Centre DCP and Masterplan
  - Destination Albion Park Planning Guidelines
  - Industrial DCP
  - Advertising and Identification Signs DCP
  - Car Parking DCP
  - Child Care Centres Guidelines

- Complying Development Control Plan
  - Contaminated Land Policy
  - Exempt DCP
  - Floodplain Risk Management DCP
  - Landscape Guidelines DCP
  - Notifications DCP
  - Stormwater Policy
  - Telecommunications Facilities DCP
  - Waste Minimisation and Management DCP
3. Place an advertisement in the local newspaper notifying the community of Council's decision to adopt the Shellharbour Development Control Plan and repeal the Development Control Plans and Policies listed in Recommendation 2.
4. Rescind Min No. 120 of 22 June 2010 so that Development Applications in Shell Cove do not have to be assessed by the Shell Cove Architect prior to being lodged.

CARRIED UNANIMOUSLY

**11.2.2 Council Submission on A New Planning System for New South Wales White Paper (9932006)**

146 RESOLVED: Murray/Marsh

That Council endorse and submit the submission on *A New Planning System for New South Wales – White Paper* and associated Exposure Bills, as contained in Attachment 1 of this report.

CARRIED UNANIMOUSLY

**11.2.3 Planning Proposal 2 - Shellharbour Local Environmental Plan 2013 - 23 George Street, Warilla (9932014)**

147 RESOLVED: Murray/Marsh

1. Council prepare a Planning Proposal to amend Schedule - 1 Additional Permitted Uses of Shellharbour Local Environmental Plan 2013 to allow 'office premises' with development consent at Lot 16 DP 23454, 23 George Street, Warilla.
2. The Council authorise the General Manager to submit the Planning Proposal to the NSW Department of Planning & Infrastructure in

accordance with section 56 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.

3. The Council delegate to the General Manager authority to make minor mapping changes if and as required by the NSW Department of Planning & Infrastructure's LEP Review Panel and gateway determination.
4. The Planning Proposal be publically exhibited in accordance with the gateway determination.
5. A report be submitted to the Council on the public exhibition of the Planning Proposal detailing the outcomes of the community and government agency engagement.
6. The Planning Proposal be reported back to the Council for final consideration and with further recommendations regarding adoption.

CARRIED UNANIMOUSLY

**11.3.6 Appointment of Independent Member to Council's Governance, Risk and Audit Committee (9936789)**

148 RESOLVED: Marsh/Rankin

1. That Council appoint Ms Helen Colbey to the independent membership of Council's Governance, Risk and Audit committee, for the three year period from 1 July, 2013, to fill the vacancy created by the conclusion of the tenure of Professor Michael Hough, as from 30 June 2013.
2. That Professor Michael Hough be thanked for his contribution to Council's Governance, Risk and Audit committee, during the time of his tenure with the committee.

CARRIED UNANIMOUSLY

**13.6 Response to Notice of Motion submitted by Cr Peter Moran: Bus Stop - Peterborough Avenue, Lake Illawarra (9935814)**

That this Item for Information be formally noted.

149 RESOLVED: Marsh/Murray

That Standing Orders be resumed.

CARRIED UNANIMOUSLY



**Meeting adjourned at 7.46pm**

**Meeting resumed at 7.54 pm**

**8. Mayor's Statements / Reports / Presentations**

The Mayor outlined the events she has attended since the last Council meeting.

The Mayor also acknowledged the local recipients of the Medal of the Order of Australia in the Queens Birthday Honours List.

**9. Councillors' Reports**

The Deputy Mayor stated that he attended the Roller Hawks Season launch on behalf of the Mayor.

**10. Mayoral Minutes**

Nil

**11. Reports**

**11.1 General Manager**

**11.1.1 Submission: Independent Local Government Review Panel Consultation Paper "Future Directions for NSW Local Government - Twenty Essential Steps" (9936722)**

This matter was considered following Addresses to Council (refer Resolution No. 144).

**11.1.2 Submission: Local Government Acts Taskforce Discussion Paper "A New Local Government Act for NSW" (9936725)**

150 RESOLVED: Murray/Marsh

That Council authorise a submission to the Local Government Acts Taskforce Discussion Paper "A New Local Government Act for NSW" based on Council officers earlier submission to include:

1. That "value for money" be listed as a principle under 3.1.2 Roles and Principles of Local Government.
2. Opposing any extensions to the current role of mayors.

CARRIED UNANIMOUSLY

**11.1.3 2013 NSW Local Government Aboriginal Network Conference, 7-9 August 2013 (9935034)**

151 RESOLVED: Marsh/Boyle

That any Councillor wishing to attend the 2013 NSW Local Government Aboriginal Network Conference advise the General Manager by 18 June 2013.

CARRIED UNANIMOUSLY

**11.1.4 Local Government Conference Association of NSW Annual Conference, Sydney 1-3 October 2013 (9938841)**

152 RESOLVED: Marsh/Stewart

1. That the Mayor, Deputy Mayor, Cr Stewart and Cr Marsh be Council's voting delegates to the 2013 Local Government Conference.
2. That any Councillor who wishes to attend the Conference as a non-voting delegate, advise the General Manager's office no later than Monday 12 August 2013 in order to meet the early bird registration deadlines.
3. That any Councillor with a proposed motion to the Local Government NSW Annual Conference, submit this to the General Manager by no later than 18 June, to allow time for Council staff to investigate the matter, prepare the motion and report back to the 2 July Council Meeting.

CARRIED UNANIMOUSLY

**11.1.5 Monthly Investment Report April 2013 (9925700)**

153 RESOLVED: Marsh/Murray

That Council receive and note the attached Investment Portfolio report, as at 30 April 2013.

CARRIED UNANIMOUSLY

**11.2 City Outcomes Directorate**

**11.2.1 Adoption of the Shellharbour Development Control Plan (9932002)**

This matter was considered following Addresses to Council (refer Resolution No. 145).

**11.2.2 Council Submission on A New Planning System for New South Wales White Paper (9932006)**

This matter was considered following Addresses to Council (refer Resolution No. 146).

**11.2.3 Planning Proposal 2 - Shellharbour Local Environmental Plan 2013 - 23 George Street, Warilla (9932014)**

This matter was considered following Addresses to Council (refer Resolution No. 147).

**11.2.4 NSW Local Development Performance Report (9926934)**

154 RESOLVED: Murray/Marsh

That Council note the information in this report.

CARRIED UNANIMOUSLY

**11.3 Corporate Policy Directorate**

**11.3.1 Boonerah Point Reserve, Reddall Parade, Mount Warrigal; Proposed Licence Agreement - Fit Shape Personal Training (9935447)**

155 RESOLVED: Boyle/Rankin

1. That Council commence the formal process to enter into a 12 month Licence agreement with Fit Shape Personal Training, including advertising and exhibition of the proposal.
2. That provided no objections are received, Council enter into a 12 month Licence agreement with Fit Shape Personal Training for the use and occupation of part of Boonerah Point Reserve, Reddall Parade Mount Warrigal, to conduct commercial fitness training activities, at an annual rental of \$1,500.00 plus GST.
3. That the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the Licence Agreement under Council Seal.

CARRIED UNANIMOUSLY

**11.3.2 Proposed Road Naming - Churchill Circuit, Barrack Heights (off Ulster Avenue, Warilla) (9933771)**

156 RESOLVED: Marsh/Stewart

1. That Council proceed with the advertising and notification of the proposed road name Churchill Circuit, Barrack Heights for the development off Ulster Avenue, Warilla in accordance with the requirements of the Roads Act 1993 and Roads Regulation 2008.
2. That if no objections are received within the advertising period the name be approved and notified.

CARRIED UNANIMOUSLY

**11.3.3 Adoption of the Shellharbour Master Plan Priorities List for Active Open Space (9935486)**

157 RESOLVED: Murray/Rankin

That Council adopt the Master Plan Priority List for Active Open Spaces, as reported.

CARRIED UNANIMOUSLY

**11.3.4 Classification of Land upon Acquisition of Lot 2 in DP 1055678, Croome Road, Croom (9935470)**

158 RESOLVED: Marsh/Boyle

1. That Council Rescind Point 2 of Council's Resolution of 18 September 2012, Minute Number 261, which stated:  
  
*That the subject land be classified as Operational land once acquired under the Local Government Act 1993*
2. That Lot 2 in Deposited Plan 1055678 Croome Road, Croom be classified as 'Community' land upon acquisition.

CARRIED UNANIMOUSLY

**11.3.5 Sport and Recreation Capital Improvement Requests (9937000)**

159 RESOLVED: Stewart/Rankin

That Council allocate the following funds from the City Wide Sportsfield Allocation in the current budget based on the recommendation of the Sport and Recreation Working Party:

- a. \$6,930 to assist The Rail Cricket Club with Refurbishment of the Northern Sight Screen at Croom Cricket Oval and amend the budget accordingly (Matrix Score: 15)
- b. \$17,000 to assist the Oak Flats Falcons with Upgrade of Lighting at Keith Bond Oval and amend the budget accordingly (Matrix Score: 13)
- c. \$10,000 to assist Warilla Barrack Point Surf Life Saving Club with the Toilet Improvement and Access Project at Warilla Barrack Point Surf Life Saving Club and amend the budget accordingly (Matrix Score: 22)
- d. \$32,278 to assist Shellharbour City Touch with the Flinders Sportsfield Irrigation System at Flinders Oval and amend the budget accordingly (Matrix Score: 17)
- e. \$5,850 to assist Kiama/Shellharbour District Tennis Association Inc. with the McDonald Park Courts Upgrade at Albion Park Rail Tennis Courts and amend the budget accordingly (Matrix Score: 22)

CARRIED UNANIMOUSLY

**11.3.6 Appointment of Independent Member to Council's Governance, Risk and Audit Committee (9936789)**

This matter was considered following Addresses to Council (refer Resolution No. 148).

**11.4 Shellharbour Enterprises Directorate**

Nil

**12. Committee Recommendations**

**12.1 Recommendations from the Aboriginal Advisory Committee Meeting held 7 May 2013 recommended for adoption.**

160 RESOLVED: Saliba/Stewart

That the Recommendations from the Aboriginal Advisory Committee Meeting held of 7 May 2013 be adopted.

CARRIED UNANIMOUSLY

**12.2 Recommendations from the Disabilities Services Advisory Committee Meeting held 8 May 2013 recommended for adoption.**

161 RESOLVED: Saliba/Stewart

That the Recommendations from the Disabilities Services Advisory Committee Meeting held of 8 May 2013 be adopted.

CARRIED UNANIMOUSLY

**13. Items for Information**

**13.1 Response to Question on Notice submitted by Cr Paul Rankin: Dunmore Sewerage System Connection (9931725)**

**13.2 Response to Question on Notice submitted by Cr Paul Rankin: Gaming Machines at The Links Shell Cove (9933923)**

**13.3 Response to Question on Notice Submitted by Cr Paul Rankin: - Council Waste Clean Up Services (9935564)**

**13.4 Response to Question on Notice submitted by Cr Kellie Marsh: RYDA (9936356)**

**13.5 Response to Question on Notice submitted by Cr Kellie Marsh: Camp Quality (9934975)**

162 RESOLVED: Murray/Stewart

That the Items for Information be formally noted.

CARRIED UNANIMOUSLY

**13.6 Response to Notice of Motion submitted by Cr Peter Moran: Bus Stop - Peterborough Avenue, Lake Illawarra (9935814)**

This matter was considered following Addresses to Council.

**14. Notices of Rescission/Alteration Motions**

Nil

**15. Notices of Motion**

Nil

**16. Questions on Notice (must be submitted in writing)**

**16.1 Question on Notice submitted by Cr Kellie Marsh: Library at Shell Cove (9941951)**

**17. Urgent Business**

Councillor Marsh requested that Council write to the local recipients of the Medal of the Order of Australia in the Queens Birthday Honours List congratulating them on their achievement.

Councillor Stewart asked that the review of the Code of Meeting Practice take place as soon as possible.

**18. Committee of the Whole in Closed Session: Adjournment**

Nil

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

Nil

**20. Consideration of Motions to Declassify Reports Considered in Closed Session**

Nil

**Meeting closed 8.26 pm**