

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 02 September 2008 commencing at 7.15 pm**

Present

Administrator

Mr D Jesson

In attendance

General Manager
Acting Director of Operations & Services
Director of Community Planning & Strategies
Shell Cove Project Engineer
Manager Executive Offices
Public Relations Coordinator
Executive Assistant

B A Weir
G Standen
P O'Rourke
J McAndrew
F MastroDomenico
R Payne
D Arney

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

Nil

2. Confidential Business (Committee of the Whole)

Nil

3. Recommendations from Committee of the Whole

Nil

4. Confirmation of Minutes

4.1 Ordinary Meeting 12 August 2008

289 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 12 August 2008 as circulated be taken as read and confirmed as a correct record of proceedings.

5. Condolences

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

Mr Aubrey John Preston	of Albion Park
Mrs Daphne May Eastham	of Albion Park
Mrs Eunice Miriam Webster	of Albion Park
Mrs Margaret Atkinson	of Albion Park
Mrs Leslie Skarratts	of Albion Park Rail
Mr Mervyn Stanley McGrath	of Albion Park Rail
Mr Colin Nott	of Barrack Heights

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Mrs Daphne Hennessy Wordsworth	of Barrack Heights
Mr David Richard Knowles	of Flinders
Mrs Doris May Green	of Flinders
Mrs Dana Mary Tolhurst	of Lake Illawarra
Mr Alfred Ferdinand Leaudais	of Lake Illawarra
Mr Ralph Barker	of Lake Illawarra
Mr Victor Lawson	of Lake Illawarra
Mr John Richard Hammond	of Mt Warrigal
Ms Margaret (Peggy) Morgan	of Mt Warrigal
Mrs Janett Tornaros	of Oak Flats
Ms Lorraine (Keen) Potter	of Oak Flats
Mr Peter Price	of Oak Flats
Mr Karl Marton	of Warilla
Mrs Muriel Jones	of Warilla

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

6. Administrator's Minutes

6.1 Shell Cove Management Agreement – Shellharbour City Council and Australand: Public Release, Partial Release or Otherwise

The Administrator advised that he had hoped that he would have received the necessary information in order to make an informed decision on the request to publicly release the Shell Cove Management Agreement, however, this information has not yet been received. It is anticipated that the information will be received and a decision made at the next Ordinary Meeting of Council.

The Administrator further noted the following:

- The next Ordinary Meeting of Council will be held on 30 September 2008 at the usual time; this will be advertised in the local media.

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- That Council has received a request for an extension for time for public submissions on the Albion Park Traffic Study. A decision would be made following receipt of relevant information, within the next week.

7. General Manager's Office

7.1 2007/2008 Annual Financial Reports (8970009)

291 RESOLVED:

1. That Council make the Statements (as attached) and approve the application of the signatures by the Administrator and the General Manager to those statements, as required by Clause 215 of *the Local Government (General) Regulation 2005*.
2. That the Financial Reports be formally referred for audit.

8. Operations & Services Division

8.1 DA No. 143/2007 - Lot 2, DP 224845, Lot 78, DP 553511 & Lot 76, DP 238866, 7 Osborne Parade, Warilla - Proposed Alterations & Additions to Surf Club (8963074)

292 RESOLVED:

That Council refuse Development Application No. 143/2007 for alterations and additions to the Warilla Barrack Point Surf Club at Lot 2, DP 224845, Lot 78, DP 553511 and Lot 76, DP 238866, 7 Osborne Parade, Warilla under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended for the following reasons:

- i. The development is contrary to Section 79C (1)(a)(i) in that it is inconsistent with *State Environmental Planning Policy (SEPP) No. 71* in that the development conflicts with Clause 8(d) in that the type, location and design of the development is potentially unsuitable in its relationship with the surrounding area.
- ii. The development is contrary to Section 79C (1)(b) in that it is of a scale, nature and design whereby the amenity of nearby residences will be detrimentally affected specifically by way of noise and anti-social behaviour.
- iii. The development is contrary to Section 79C (1)(c) in that it is of a scale and nature unsuitable for the site.
- iv. The development application was not accompanied with sufficient information concerning car parking to enable a favourable assessment of this issue.

- v. The development is contrary to Section 79C (1) in that it is contrary to the public interest for the reasons outlined above.

8.2 DA No. 547/2007 - Lots 3 & 4, DP 369806, Headland Parade, Barrack Point - Proposed Amenities Building & Car Parking Area in Elliot Lake Reserve (8968836)

293 RESOLVED:

That Council adopt Option 4 and approve Development Application No. 547/2007 for the construction of an amenities building and car parking area at Lots 3 & 4, DP 369806, Headland Parade, Barrack Point, under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended subject to the 15 conditions following the conclusion of this report.

8.3 Request To Vary Restriction as to User (Flood Affectation), Affecting Lot 4, DP 714125, Cnr Illawarra Highway & Taylor Road, Albion Park (8969168)

294 RESOLVED:

A. That Council, subject to all costs arising from the preparation of documentation for lodgement with the Department of Lands and including any costs incurred by Shellharbour City Council, being borne by the registered proprietors of the subject lot:

1. Agree to the request to vary the terms of Restriction as to User secondly referred to in the Section 88B Instrument accompanying DP 714125 as follows:

- (ii) No development is to take place adjacent to, or on the area designated 'Restriction as to User (B)' unless the development satisfies the provisions of the *Shellharbour City Council Floodplain Risk Management Development Control Plan*.

2. The Restriction as to User line of delineation on Lot 4 be amended to reflect the 8.2m AHD contour.

B. That the applicant and owner be advised that notwithstanding the above recommendation, Council will use the most up to date flooding information available at the time of assessment of any application lodged for development on the subject lot.

8.4 Tender 2008/19 - Design, Supply and Installation of Gross Pollutant Traps at Lake Illawarra, Shellharbour and Warilla (8968949)

295 RESOLVED:

1. Council, as Principal, engage Roadworx Pty Ltd to carry out the design, supply and installation of gross pollutant traps at Lake Illawarra, Shellharbour and Warilla to the sum of \$476,570 exclusive of GST.
2. Shellharbour City Council delegate to the General Manager the authority to sign the *Letter of Acceptance* to the contractor for and on behalf of Shellharbour City Council.
3. That the 2008/2009 Stormwater Management Service Charge Program be amended with \$35,000 being reallocated from the Trumper Street and Reddall Parade Intersection Gross Pollutant Trap towards Bensons Creek Stormwater Improvements.
4. That the budget be amended accordingly.

8.5 Tender - Supply of Plant and Equipment (8957944)

296 RESOLVED:

1. That Council accept all of the submitted tenders for the hire of plant and trucks to Shellharbour City Council for the period 1 July 2008 to 30 June 2010.
2. That the hire of plant and trucks for the next two years be based on the use of the Shellharbour City Council Hired Equipment System 2008-2010.

8.6 Proposed Option Agreement for the purchase of land (land swap) - Shellharbour City Council & Trustees of the Roman Catholic Church for the Diocese of Wollongong, Part of Lot 10, DP 575555 and Part Lot 301, DP 1041577 (8957164)

297 RESOLVED:

1. That Council and The Trustees of the Roman Catholic Church for the Diocese of Wollongong enter into an option agreement for the purchase of land conditional upon land reclassification involving Council accepting ownership of 1255m² of land (part of Lot 301, DP 1041577) and ultimately transferring Part Lot 10, DP 575555 (approximately 360m²) to The Diocese.

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2. That Council include the identified part of Lot 10, DP 575555 (approximately 360m²) with that re-subdivision process which is still to be conducted as resolved by Council on 28 February 2006 (Minute No. 78).
3. That, until such time Council is in a position to commence a land reclassification and subdivision process for part of Lot 10, DP 575555, that Council enter into an interim five (5) year land occupation agreement with The Diocese to allow their use of the land and to allow Council's use of the road frontage to Tongarra Road.
4. That upon transfer of that section of constructed road (Part Lot 301, DP 1041577) to Council, the land be classified as operational land under the *Local Government Act 1993*.
5. That the General Manager and Administrator be authorised to sign any documentation associated with this proposal and to affix the Seal of Council.

9. Community Planning & Strategies Division

Nil

10. Shell Cove Business Division

Nil

11. Committee Recommendations

Nil

12. Items for Information

12.1 Investments (8972793)

298 RESOLVED:

That the Item for Information be formally noted.

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13. Urgent Business (as introduced by the Administrator)

Nil

Meeting closed 7:43 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 30 September 2008.

General Manager

Chairperson