

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

**held at the Council Administration Centre, Shellharbour City Centre  
on Tuesday 30 September 2008 commencing at 7.20 pm**

**Present**

Administrator

Mr D Jesson

**In attendance**

General Manager

Director of Operations & Services

Director of Community Planning & Strategies

Director Shell Cove Business Unit

Manager Executive Offices

Media Officer

Executive Assistant

B A Weir

A Webster

P O'Rourke

P Woodcock

F MastroDomenico

R Payne

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**

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 2 September 2008**

299 RESOLVED:

That the minutes of the Ordinary Council Meeting held on 2 September 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 Friedrich Helmuth Koch	of	Albion Park
Mr John Manuel Martinez	of	Albion Park
Mr Jerry Remfry	of	Albion Park
Mr Gerry Schelle	of	Albion Park Rail
Mrs Joyce Lavinia	of	Albion Park Rail
Mrs Phillipa Martha Hamblin	of	Albion Park Rail
Mrs Gloria Joan Street	of	Barrack Heights
Mr Raymond Jack Bennett	of	Barrack Heights

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Mr Sunny Norman	of	Barrack Heights
Mrs Thelma Sharples	of	Barrack Heights
Mrs Wilma Okonski	of	Barrack Heights
Mrs Vera Lily Ellen Wicks	of	Blackbutt
Mrs Gloria Diana Bleasdale	of	of Calderwood
Mrs Audrey Wright	of	Lake Illawarra
Mr Austra Alksnis	of	Lake Illawarra
Mrs June Elizabeth Owen	of	Lake Illawarra
Mrs Patricia Belgrove	of	Mount Warrigal
Mr Adam Craig Nall	of	Oak Flats
Mr John Middleton	of	Oak Flats
Mr Raymond Lawrence Bell	of	Oak Flats
Mr Gordon Griffin	of	Shellharbour
Mr Jack Murphy	of	Shellharbour
Mr John James Connors	of	Shellharbour
Mr Ronald James Carey	of	Shellharbour
Mr Allan Wilfred Fraser	of	Warilla
Mr John Coleman	of	Warilla
Mr Troy Raymond Gill	of	Warilla

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

### **6. Administrator's Minutes**

#### **6.1 Management Agreement: Council and Australand - Public Release (8990092)**

301 RESOLVED:

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1. That the Shell Cove Management Agreement and subsequent amendments between the Council and Australand Corporation (NSW) Pty Ltd and its predecessors be released to the public in full.
2. That the feasibility studies, annual programs, monthly reports and Tripartite Deed referred to in the Management Agreement be withheld from public release until such time as the commercial in confidence information they contain is no longer relevant.
3. That Council note Australand's preference for a protocol to be developed regarding the public release of the Management Agreement.
4. That Council make the Management Agreement and subsequent amendments available in the following manner:
  - a. Copies will be available for viewing from 10.00am Wednesday 1 October 2008 at Level 2 Lamerton House.
  - b. Should a member of the public wish to obtain a copy of the documents they will be provided in accordance with Section 12 of the Local Government Act. In accordance with Council's normal procedure, photocopying charges will apply.
  - c. The documents will be placed on Council's website by 9 October 2008.
5. That all enquiries and requests for advice regarding the Management Agreement be referred to the General Manager or the Director of Shell Cove Business Unit or their nominees and that their responses be limited to routine matters and further that those making enquiries be informed that the Council will not provide legal or technical advice regarding the Management Agreement and that enquirers will have to seek their own advice using their own resources.

### **7. General Manager's Office**

#### **7.1 2007/08 Annual Financial Reports (8986094)**

Mr Warwick Shanks of KPMG gave a brief summary of the Annual Financial Reports to the meeting.

302 RESOLVED:

That the 2007/2008 Financial and Audit Reports be adopted.

#### **7.2 Christmas/New Year Closure of Council (8989421)**

303 RESOLVED:

That this report be received and noted.

Further, that Council note in particular the closure of Council Library services and the rescheduling of Picnic Day for 2008, to now be held on Friday 2 January 2009 as part of a recommended extended closedown of Council operation during this period.

Further, that Council note that the application of the (Award) provided Picnic Day for 2009 and future years be finalised after consultations with the unions have concluded.

### **7.3 Illawarra Regional Information Service (IRIS) Community Survey (8985213)**

Mr Simon Pomfret of IRIS gave a presentation to the meeting of a summary of the results of the community survey.

The Administrator, on behalf of Council, thanked Mr Warwick Shanks of KPMG (Item 7.1) and Mr Simon Pomfret of IRIS for their presentations to the meeting.

304 RESOLVED:

That Council receive and note the IRIS Community Survey

### **7.4 Information Report Shellharbour City Civic Centre (8988142)**

305 RESOLVED:

That this report be received and noted.

## **8. Operations & Services Division**

### **8.1 DA No. 22/2008 - Lot 10, DP 11740, 12 Addison Street, Shellharbour - Land Use Approval For Signage (8984549)**

306 RESOLVED:

That Council refuse Development Application No. 22/2008 for land use approval for signage at Lot 10, DP 11740, 12 Addison Street, Shellharbour, under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, for the following reasons:

1. The proposal does not satisfy the provisions of *State Environmental Planning Policy No. 64 – Advertising and Signage* nor comply with Council's *Advertising & Identification Signs Development Control Plan*.

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2. Insufficient information has been provided to carry out a full and proper assessment of the application under Section 79C of the *Environmental Planning and Assessment Act, 1979* (as amended).
3. Contrary to the public interest for the reasons outlined above.

### **8.2 DA No. 591/2007 - Lot 2, DP 1107139, 58-60 Wattle Road, Shellharbour- Construction Of 71 Self Contained Dwellings (SEPP-Housing For Seniors Or People With A Disability) 2004, Clubhouse Building, Waste Storage Outbuildings & Retaining Walls (8986018)**

307 RESOLVED:

That Council approve Development Application No. 591/2007 for the construction of a 71 self contained dwellings (*State Environmental Planning Policy – (Housing for Seniors or People with a Disability) 2004*), associated clubhouse, waste storage outbuildings, signage & retaining walls at Lot 2, DP 1107139, 58-60 Wattle Road, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act 1979* subject to the 99 conditions following the conclusion.

### **8.3 Proposed Rivulet Crescent Extension (8985765)**

308 RESOLVED:

1. That Council endorse the Proposed Rivulet Extension Plan (Plan No. 6A270) for the purpose of public exhibition in order to facilitate the implementation of the Princes Highway, Albion Park Rail Interim Traffic Management Plan 2003.
2. That the above recommendation be included in Council's Section 149(5) Certificates for the land affected by the proposed road extension.
3. That Council consider an amendment to the Section 94 Plan at the next review to reflect the location and alignment of the proposed extension of Rivulet Crescent.
4. That plans for the proposed extension of Rivulet Crescent be placed on exhibition for 28 days.

### **8.4 Requests for Donation and Review of Council's Donations Policy (8981036)**

309 RESOLVED:

1. That Council resolve to donate the following contributions totalling \$2,495:
  1. Combined Pensioner's Association –  
Christmas lunch for Shellharbour Members \$350

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|---|---------|
| 2. Lake Illawarra PCYC –<br>Production costs for U21 Youth Band Competition                               | \$1,000 |
| 3. Healthy Cities Illawarra –<br>Volunteer Awards Ceremony  | \$200   |
| 4. Warilla High School –<br>Presentation Night Awards   | \$100   |
| 5. Essential Personnel –<br>“Sky’s the Limit” Mini Olympics   | \$200   |
| 6. Combined Churches Shellharbour City Events -<br>Carols by the Harbour                                  | \$500   |
| 7. Aunty Mary Davis & Uncle Victor McLeod Memorial Football Cup -<br>Fees for use of Council Sportsground | \$145   |
2. That the amended draft Donations Policy, attached to this report, be adopted by Council.

### **8.5 Disclosure of Interest Returns (8968856)**

310 RESOLVED:

1. That the Councillors’ names and staff 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 2007 to 30 June 2008.
2. That Council note the tabling of the register of returns.

## **9. Community Planning & Strategies Division**

### **9.1 Adoption of Amended Shellharbour City Centre Masterplan and DCP (8988444)**

311 RESOLVED:

1. That Council adopt the amended Shellharbour City Centre Masterplan and amended Shellharbour City Centre Development Control Plan as contained in Attachments 10 and 11 of this report; and
2. That Council place an advertisement in a local newspaper notifying Council's decision to adopt the amended Shellharbour City Centre Masterplan and amended Shellharbour City Centre Development Control Plan.

**10. Shell Cove Business Division**

**10.1 Shell Cove Quarterly Report (8885567)**

312 RESOLVED:

1. That this report be received and noted.
2. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of Lots 6300 and 6307 DP 1124331 and on the Transfers for proposed lots 6601 to 6633 (Stages 6C1-2 & 6F5).
3. That Council resolves to affix the Seal of Council on the Subdivision Plan and 88B Instrument for the subdivision of Lot 6214 DP 1113813 and on the Transfers for proposed lots 6501 to 6539 (Stage 6G1 & SPS1145).

**11. Committee Recommendations**

**11.1 Recommendations from the Traffic Committee Meeting held 3 September 2008 recommended for adoption.**

313 RESOLVED:

That the Recommendations from the Traffic Committee Meeting held 3 September 2008 be adopted with the exception of Item 4.1 which is to be referred to the Director of Operations & Services for a further report detailing the impacts of the proposed Premier Illawarra Bus Company route change from Memorial Drive.

**11.2 Recommendations from the Aboriginal Advisory Committee Meeting held 16 September 2008 recommended for adoption.**

314 RESOLVED:

That the Recommendations from the Aboriginal Advisory Committee Meeting held 16 September 2008 be adopted.

**12. Items for Information**

**12.1 Investments (8985900)**

315 RESOLVED:

That the Item for Information be formally noted.



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**13. Urgent Business (as introduced by the Administrator)**

Nil

The Administrator outlined the functions he had attended since the last council meeting, and particularly noted his attendance at the Illawarra Academy of Sport Sponsor Reception held on 15 September 2008. The Administrator, on behalf of Council, passed on his congratulations to the General Manager for being honoured as a life member of the Academy at this function.

**Meeting closed 8.21 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 21 October 2008.

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General Manager

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Chairperson