

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

**held at the Council Administration Centre, Shellharbour City Centre  
on Tuesday 11 November 2008 commencing at 7.20 pm**

**Present**

Administrator

Mr D Jesson

**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 Technical Services

M Boenisch

Manager Development Services

G Mitchell

Manager Executive Offices

F MastroDomenico

Manager Media & Communications

N East

Executive Assistant

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**

#### **Ordinary Council Meeting**

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 21 October 2008**

331 RESOLVED: That the Minutes of the Ordinary Council Meeting held on 21 October 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.

Mrs Christina Araya	of	Albion Park
Mrs Johanna Sierszen	of	Albion Park
Mrs Phyllis May Keen	of	Albion Park
Mrs Patricia Dorothy O'Doherty	of	Albion Park
Mrs Alice Lillian Ford	of	Albion Park Rail
Mr Andrew Sanaghan	of	Albion Park Rail
Mr Chris Johanson	of	Albion Park Rail

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Mrs Fay Nolan	of	Albion Park Rail
Mr Keith Warriner	of	Albion Park Rail
Mr William Eric Steele	of	Albion Park Rail
Mrs Gay Patricia Wilmott	of	Barrack Heights
Mr Jack Selwood	of	Barrack Heights
Mrs Marion Trimble	of	Barrack Heights
Mrs Doris Elizabeth Glen	of	Barrack Point
Mrs Beryl Glover	of	Lake Illawarra
Mr Clive Lidman	of	Lake Illawarra
Mrs Elsie McAlister	of	Lake Illawarra
Mrs Judith Holmes	of	Mount Warrigal
Ms Nanette Alice Nelson	of	Mount Warrigal
Mr Adrian Guido	of	Oak Flats
Mrs Ann Gordon	of	Shellharbour
Mr Charles Wood	of	Shellharbour
Mrs Cheryl Logan	of	Warilla
Mrs Daphne Margaret Vinton	of	Warilla
Mr Graham Smith	of	Warilla
Mrs Kathleen Veronica Parton	of	Warilla
Mr Mark William Inskip	of	Warilla
Mrs Nellie Alice Bower	of	Warilla

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

### 6. Administrator's Minutes

The Administrator summarised the civic duties he had carried out and/or attended since he last reported.

**7. General Manager's Office**

**7.1 Management Plan Quarterly Review, July - September 2008 (9008862)**

333 RESOLVED:

That the report be received, noted and endorsed.

**7.2 September 2008 Quarter Budget Review (9010727)**

334 RESOLVED:

1. That Council adopt the September 2008 Quarter Budget Review with all new items as contained in this report.
2. That Council note that this will result in a revised budget surplus for the year ended 30 June 2009, of \$102,097, rather than the previously estimated deficit of \$52,708.
3. That the Grants listed in the new items section of this report be accepted.

**8. Operations & Services Division**

**8.1 DA No. 163/2008 - Lot 143, DP 1103339, Corner of Broughton Avenue and Cleveland Place, Tullimbar - Construction of Multi Storey Hotel and Serviced Apartment Complex with associated car parking and pedestrian bridge link (9001834)**

335 RESOLVED:

That Council refuse Development Application No. 163/2008 for the construction of a multi storey hotel and service apartment complex at Lot 143, DP 1103339, corner of Broughton Avenue and Cleveland Place, Tullimbar under Section 80 of the *Environmental Planning & Assessment Act, 1979* for the following reasons:

1. The development is inconsistent with the floor space allocation detailed in the *Tullimbar Village Centre Building Design Guidelines (VCBDG)*.
2. The development does not have adequate car parking.
3. There is insufficient information demonstrating compliance with the requirements of the:

- a. Floodplain Risk Management Development Control Plan
  - b. Shellharbour City Stormwater Policy
4. There is insufficient information demonstrating that the development can be properly serviced by commercial vehicles (eg garbage trucks and the like).
  5. The issue of potential noise impacts has not been properly addressed.
  6. The Social Impact Assessment is inadequate.
  7. The development is contrary to the public interest for the reasons outlined in 1 - 6 above.

**8.2 Adoption of amended policy on Payment of Expenses & Provision of Facilities to the Mayor and Councillors under S252 and S253 of the Local Government Act 1993 (9007654)**

336 RESOLVED:

1. That Council adopt the amended draft policy for Payment of Expenses & Provision of Facilities to the Mayor and Councillors (Administrator) under S252 and S253 of the *Local Government Act 1993* and that a copy of it be forwarded to the Department of Local Government as required under the legislation.
2. That the following amendment to the Policy be publicly exhibited;  
  
"An allowance of \$250 per week will be paid to the Administrator to defray accommodation costs for the period of administration."

**8.3 Proposed Advertising of Draft Community Land Plan of Management - Lot 6212 DP 1113813, Barnbogle Mews, Shell Cove (8982411)**

337 RESOLVED:

1. That in accordance with the *Local Government Act 1993*, (s38), the draft Plan of Management for Community Land for Lot 6212, DP 1113813 be placed on public exhibition for a period of not less than 28 days, but allowing a period of not less than 42 days after the date on which the draft plan is first placed on public exhibition, during which submissions may be made to the Council.
2. That following the public exhibition and submission stage, a further report be presented to Council for consideration of any submissions and the adoption or otherwise of the draft Plan of Management for Community Land for Lot 6212, DP 1113813.

**8.4 Proposed Amendment to Lease Area - The Shell Company of Australia (9008836)**

338 RESOLVED:

1. That Council resolve to vary the leased area with The Shell Company of Australia for the occupation of Part Lot 420 DP 773124, at the Illawarra Regional Airport, leaving all other terms and conditions remaining as per the current lease.
2. That the Administrator and General Manager be authorised to sign and affix the Seal of Council to the relevant documentation required in order to reduce the leased area.

**8.5 Affix of Council Seal to the Creation of a Drainage Easement (9008850)**

339 RESOLVED:

That Council resolve to affix the Seal of Council for the creation of a drainage easement over Lot 1 in DP 1059985 and that the Administrator and General Manger be authorised to execute any documentation in relation to such easement under seal.

**9. Community Planning & Strategies Division**

Nil

**10. Shell Cove Business Division**

Nil

**11. Committee Recommendations**

Nil

**12. Items for Information**

Nil

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

Nil

**Meeting closed 8.05 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 2 December 2008.

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General Manager

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Chairperson