

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 19 May 2009 commencing at 6.00 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 Corporate Services

T Gearon

Group Manager Development & Technical Services (part)

M Boenisch

Group Manager Organisation Development (part)

B Rose

Corporate Solicitor

B McCann

Manager Executive Offices

F MastroDomenico

Manager Media & Communications

N East

Executive Assistant

L Davey

Executive Assistant (part)

D Arney

1. Acknowledgement to Country

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

2. Confirmation of Minutes

2.1 Ordinary Meeting 28 April 2009

62 That the Minutes of the Ordinary Council Meeting held on 28 April 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 Jack Hunt	of	Albion Park
Mrs Marilyn Moscrop	of	Albion Park
Mr Vaughan Zglinicki	formerly of	Albion Park
Mr Daryl Ward Doyle	formerly of	Barrack Heights
Mr Donald Roach	of	Barrack Heights
Mrs Frances Broome	of	Barrack Heights
Mr Karl Polenz	of	Barrack Heights
Mrs Dorothy Rose (Dossie) Tungai	of	Barrack Heights

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Mrs Julie Ison	of	Blackbutt
Mrs Florence (Flo) (Price) Elliott	formerly of	Lake Illawarra
Mr Roy Hind	of	Mt Warrigal
Mrs Sheila Gansl Kohn	formerly of	Mt Warrigal
Mr George John (Joey) Giokas	of	Oak Flats
Mr Sint (Sam) Meyer	of	Oak Flats
Mr Bernard (Bernie) Dalli	of	Shell Cove
Mr John Dewar	of	Warilla
Mrs Eunice Sylvia Sharp	of	Warilla
Mrs Nicoletta Sorrentino	of	Warilla
Mrs Shirley Elizabeth Purnell	formerly of	Warilla

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

7. Addresses to Council

Agenda Item No & Title	Name
11.2 Code of Conduct: Sub Committee Report	Bernie Payne

During this address, the Administrator reminded Mr Payne to desist from making inappropriate comments. Mr Payne continued and the Administrator resolved that the speaker no longer be heard.

64 RESOLVED:

That the speaker no longer be heard.

Agenda Item No & Title	Name
11.2 Code of Conduct: Sub Committee Report (continued)	Geoff Rose Peter Moran
12.1.1 March 2009 Quarter Budget Review	Peter Moran
12.1.3 Community Engagement Draft Policy	Sonya McKay

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12.2.4	Lot 1, DP 591298 Airport Road, Albion Park Rail: Boundary adjustment and lease to Cleary Bros (Bombo) Pty Ltd	Sonya McKay Peter Moran
12.2.5	Rescheduling of Ordinary Council Meeting Scheduled for 23 June to 30 June 2009	Bernie Payne
12.4	Shell Cove Quarterly Report	Bernie Payne Geoff Rose

8. Adjournment – Consideration of Addresses to Council

Meeting adjourned at 6.57 pm

Meeting resumed at 7.51 pm

9. Administrator's Statements / Reports / Presentations

The Administrator outlined the functions he had attended since the Council Meeting of 28 April 2009.

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

Nil

11. Administrator's Minutes

11.1 Container Deposit Legislation (9099391)

65 RESOLVED:

That Council supports the Local Government and Shires Association in its campaign for the introduction of Container Deposit Legislation in New South Wales, and urges the state government to urgently introduce such legislation.

11.2 Code of Conduct: Sub Committee Report (9101787)

66 RESOLVED:

That this item be deferred to the next scheduled Ordinary Meeting of Council for further report.

12. Reports

12.1 General Manager's Office

12.1.1 March 2009 Quarter Budget Review (9102823)

67 RESOLVED:

1. That Council adopt the March 2009 Quarter Budget Review with all new items as contained in this report resulting in a revised budget deficit for the year ended 30 June 2009, of \$983,507.
2. That the RTA and NSW Department of Planning Grants listed in the new items section of this report be accepted.

12.1.2 Management Plan Quarterly Review - January - March 2009 (9098837)

68 RESOLVED:

That the report be received, noted and endorsed.

12.1.3 Community Engagement Draft Policy (9097093)

69 RESOLVED:

1. That Council adopt the Community Engagement Policy.
2. That Council investigate opportunities to use innovative technology to support its engagement activities, and implement appropriate methods as resources become available.

12.2 Operations & Services Division

12.2.1 DA No. 11/2009 - Lot 3, DP 205572, 13 Pur Pur Avenue, Lake Illawarra - Enclosure of a Third Storey Roof Terrace (9074683)

70 RESOLVED:

That Council approve Development Application No. 11/2009 for the enclosure of a third storey roof terrace at Lot 3, DP 205572, 13 Pur Pur Avenue, Lake Illawarra under Section 80 of the *Environmental Planning & Assessment Act 1979* subject to the 25 conditions listed in the report.

12.2.2 Community Coastcare Grants: Oakey Creek and Horsley Creek Restoration Projects (9096898)

71 RESOLVED:

1. That Council accept grants of \$12,127.27 for restoration work at Oakey Creek and \$8,995.45 for restoration work at Horsley Creek, under Community Coastcare from the Department of Environment, Water, Heritage and the Arts.
2. That Council's 2008/2009 budget be amended accordingly.

12.2.3 2 Wilga Close, Albion Park Rail: Proposed lease agreement to the Illawarra Koori Men's Group Incorporated (9102424)

72 RESOLVED:

1. That the resolution of Council (Minute Number 22) from the meeting on 24 February 2009 be rescinded as follows:-
 - “1. That Council enter into a Licence Agreement for the use and occupation of the weatherboard building and associated car spaces located on part of Lot 676 DP 264470, 2 Wilga Close, Albion Park Rail, under similar terms and conditions as the current lease agreement, for a term of five years at a rental of \$1.00 p.a;
 2. That the Council and the General Manager be authorised to execute documentation related to this licence under Council Seal.”
2. That Council enter into a lease agreement with The Illawarra Koori Men's Group Incorporated for the use and occupation of the weatherboard building, associated car spaces, toilet block and

surrounding land located on part Lot 676 DP 264470, 2 Wilga Close, Albion Park Rail for a term of five years at a rental of \$100.00 plus GST, per annum.

3. That the Administrator and the General Manager be authorised to execute the documentation related to this lease under Council Seal.

12.2.4 Lot 1, DP 591298 Airport Road, Albion Park Rail: Boundary adjustment and lease to Cleary Bros (Bombo) Pty Ltd (9101694)

73 RESOLVED:

1. That Council's resolution No. 1233 of 13 December 2005 be rescinded.
2. That Council proceed with a boundary adjustment of Lot 1 DP 591298 with the adjoining Lot 2001 DP 1132715.
3. That Council enter into a new lease agreement with Cleary Bros (Bombo) Pty Ltd for the occupation of Lot 1 DP 591298 and the additional land following the boundary adjustment, for a period of forty years at an annual rental of \$11,180.00 plus GST subject to a market review every five years and CPI review every other year. All other terms and conditions not altered by this resolution are to be similar to the existing lease.
4. That at the conclusion of this lease after forty years, the ownership of all buildings on the site shall revert to Council.
5. That the Administrator and the General Manager be authorised to execute documentation related to this boundary adjustment and lease under Council Seal.

12.2.5 Rescheduling of Ordinary Council Meeting Scheduled for 23 June to 30 June 2009 (9101948)

74 RESOLVED:

That the Ordinary Council meeting scheduled for Tuesday 23 June 2009 be rescheduled to take place on Tuesday 30 June 2009 commencing at 6:00pm to allow the Administrator to attend the National General Assembly of Local Government.

12.2.6 GST Certificate (9100762)

75 RESOLVED:

That Council make the GST Certificate (as attached) and approve the application of the signatures by the Administrator and the General Manager to that Certificate, as is required for GST compliance.

12.3 Community Planning & Strategies Division

12.3.1 Heritage Strategy Adoption - Shellharbour City Council (9087699)

76 RESOLVED:

That Council adopt the Shellharbour City Council Heritage Strategy for years 2008-2009 to 2010-2011 contained in attachment 1 of this report.

12.4 Shell Cove Business Division

12.4 Shell Cove Quarterly Report (9086275)

77 RESOLVED:

That the quarterly report for the period 16 February 2009 to the 10 May 2009 for the Shell Cove Project be received and noted.

13. Committee Recommendations

78 RESOLVED:

That the Recommendations from the Traffic Committee Meeting held 6 May 2009 be adopted.

14. Items for Information

14.1 Investments (9103023)

79 RESOLVED:

That the Item for Information be formally noted.

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15. Notices of Rescission/Alteration Motions

Nil

16. Notices of Motion

Nil

17. Questions without Notice

Nil

18. Questions on Notice

Nil

19. Urgent Business

Nil

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

Nil

Meeting closed 8.43 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 2 June 2009.

General Manager

Chairperson

