

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 02 June 2009 commencing at 6.00 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
Corporate Solicitor
Group Manager Corporate Services
Manger Development Services
Group Manager Development Services
Senior Development Assessment Officer
Group Manager Organisational Development
Executive Assistant

B A Weir
A Webster
P O'Rourke
P Woodcock
F MastroDomenico
R Payne
B McCann
T Gearon (part)
G Mitchell
M Boenisch
C Bern (part)
B Rose
J Frasca

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 19 May 2009

81 That the Minutes of the Ordinary Council Meeting held on 19 May 2009 as circulated be taken as read and confirmed as a correct record of proceedings.

2.2 Extraordinary Meeting 21 May 2009

82 That the Minutes of the Extraordinary Council Meeting held on 21 May 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 Amando Sangcap	of	Albion Park
Mr Ronald Benjamin Penn	of	Albion Park
Mr Desmond Charles Cannen	formerly of	Albion Park
Mr Stafford (Bluey) Weekes	of	Albion Park Rail

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Mr Jack Marzol Carey	formerly of	Albion Park Rail
Mr Brian Holt	of	Barrack Heights
Mrs Mary Imelda (nee Hayes) Healey	formerly of	Barrack Heights
Mrs Alberta (Berta) Gray	of	Lake Illawarra
Ms Jaime Marie Harrison	of	Lake Illawarra
Mrs Meiry Joyce Reti	of	Mt Warrigal
Mrs Ruby Florence Price	of	Warilla

The Administrator also acknowledged the passing of the former Town Clerk, Mr Jack Dawson.

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

7. Addresses to Council

8. Adjournment – Consideration of Addresses to Council

Meeting Adjourned at 6.49 pm

Meeting Resumed at 7.05 pm

9. Administrator's Statements / Reports / Presentations

The Administrator outlined the functions he had attended since the last Council Meeting of 19 May 2009.

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

Nil

11. Administrator's Minutes

11.1 Code of Conduct: Sub Committee Report (9109443)

84 RESOLVED:

1. That Council note the report of the Shellharbour City Council Conduct Sub Committee dated 28 April 2009 and further that it note in particular

the finding of the Sub Committee that the complaint made against the General Manager Mr Brian Weir does not disclose a prima facie breach of the Code of Conduct.

2. That no further action be taken in relation to this matter and that the complainant and the General Manager be formally advised accordingly.

12. Reports

12.1 General Manager's Office

12.2 Operations & Services Division

12.2.1 DA No. 28/2009 - Lot 4, DP 155148, 28 Darley Street, Shellharbour - Demolish Existing Structures, Construct a Two Storey Dwelling with Garage and Inground Swimming Pool (9104814)

85 RESOLVED:

That Council note that this Development Application has been withdrawn at the applicant's request.

12.2.2 DA No. 99/2007 (Pt 2) - Lot 54, DP 21893, 49 Little Lake Crescent, Warilla - Modification to Terrace Height and Alternative Rainwater Tank Location (9105752)

86 RESOLVED:

That as this item was the subject of Addresses to Council, it be deferred to the next scheduled Ordinary Meeting of Council, for further report.

12.2.3 NSW Coastline Cycleway: Stage 3 Barrack Point Shared Use Path (9106851)

87 RESOLVED:

1. That Council accept the NSW Department of Planning's offer of \$242,500 for part funding to construct a shared use path bridging Elliott Lake extending from Barrack Reserve, Barrack Point to Bucknell Street Carpark, Warilla.
2. That the budget is amended accordingly.

12.2.4 Lease Finance: Acceptance of Tender (9110477)

88 RESOLVED:

1. That Council accept the tender of the Commonwealth Bank / Equigroup for operating lease finance over 36 months at a monthly rental of \$15,665.
2. That the Administrator and General Manager be authorised to execute documentation essential to this tender and Operating lease.

12.2.5 Laneway off Leawarra Avenue, Warilla: Renewal of Lease Agreement with Salvation Army (NSW) Property Trust (9087756)

89 RESOLVED:

1. That Council renew the lease with the Salvation Army (NSW) Property Trust for occupation of the section of laneway adjoining No's 45 - 51 Ulster Avenue, Warilla for a period of five years at an annual rental of \$52.00 plus GST.
2. That the Administrator and the General Manager be authorised to execute any documentation.

12.3 Community Planning & Strategies Division

Nil

12.4 Shell Cove Business Division

Nil

13. Committee Recommendations

13.1 Recommendations from the Aboriginal Advisory Committee Meeting held 12 May 2009 recommended for adoption.

90 RESOLVED:

That the Recommendations from the Aboriginal Advisory Committee Meeting held 12 May 2009 be adopted.

14. Items for Information

14.1 Investments as at 30 April 2009 (Amended) (9109873)

91 RESOLVED:

That the Item for Information be formally noted.

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

19.1 Killalea State Park

92 RESOLVED:

That standing orders be suspended to enable the Council to consider a motion regarding the process in place for the development proposed at Killalea State Park.

The Administrator stated that he was ruling this to be a matter of great urgency.

93 RESOLVED:

That Council:

1. Request the Minister for Planning to urgently review the order under Section 75B(1) of the Environmental Planning & Assessment Act 1979 that declared the proposed tourist facility involving the construction of 106 short stay accommodation lodges and associated conference and tourist facilities at Killalea State Park as a project to which Part 3A applies.

2. Advise the Minister for Planning that notwithstanding the recognised conservation and ecological significance of the Park, the nature and limited scale of the development does not warrant its status as a Major Project of State and regional and environmental significance.
3. Request the Minister for Planning to agree for the development, if it is to proceed, to be subject to the normal planning process of merit assessment and determination by the local consent authority.

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 7.27 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 30 June 2009.

General Manager

Chairperson