

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

**held at the Council Administration Centre, Shellharbour City Centre  
on Tuesday 30 June 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 Planning	P Masterson
Group Manager Cust & Environmental Services	G Standen
Group Manager Works & Services	C Watt
Group Manager Development & Tech Services	M Boenisch
Group Manager Corporate Services	T Gearon
Manager Executive Offices	F MastroDomenico
Manager Media & Communications	N East
Manager Financial Services	P Henderson
Senior Development Assessment Officer	C Bern
Senior Development Assessment Officer	G Meredith
Executive Assistant	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 2 June 2009**

94 That the Minutes of the Ordinary Council Meeting held on 2 June 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 George Clement Honeyman	of	Albion Park
Mr Luke Raymond George Jordan	of	Albion Park
Mr Neil Young (Coach, Taffy)	of	Albion Park
Mr Kevin Oswald Moon	of	Albion Park Rail
Mr David Thompson	of	Albion Park Rail
Mr Peter Charles Graham	of	Albion Park Rail
Mr Herbert (Dodge) Southall	of	Barrack Heights
Mr Pierre Matthiassen	of	Barrack Heights
Mrs Robyn May (Sheehan) Thomas	of	Dunmore

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Mrs Joyce Clark	of	Lake Illawarra
Mr Nathan Tod Tynan	of	Lake Illawarra
Mrs Phoebe Beatrice Larritt	of	Lake Illawarra
Mr Lou Baltovski	of	Mt Warrigal
Mrs Meiry Joyce Reti	of	Mt Warrigal
Mr Arthur Charles Bramley	of	Oak Flats
Mr Bill Cunningham	of	Oak Flats
Mr William (Bill) Stanford	of	Oak Flats
Mrs Doris Mills	of	Oak Flats
Mrs Martha (Mattie) Grigg	of	Oak Flats
Mr Colin Willetts	of	Shellharbour
Mrs Shirley Tombs (Nee Fennell)	of	Shellharbour
Mr John Murray Maurice	of	Shell Cove
Mr Keith Mackay	of	Warilla
Mr Kenneth William (Woodsy) Woods	of	Warilla
Mr Masi (Max) Jimenez	of	Warilla
Mrs Mavis Williams	of	Warilla
Mrs Kambana (Noula) Metzakis	formerly of	Warilla

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

### 7. Addresses to Council

Agenda Item No & Title	Name
12.2.1 DA No. 99/2007 (Pt2) Lot 54, DP 21893 49 Little Lake Crescent, Warilla - Modification to Terrace height and alternative rainwater tank location	Geoff Rose

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<b>Agenda Item No &amp; Title</b>	<b>Name</b>
12.2.10 Review of restriction of Access to documents: Section 12 of the Local Government Act 1993	Susan Moran Peter Moran Sonya McKay
12.2.11 Department of Education and Training: Renewal of Lease for occupation of part of Warilla Council Chambers building	Diane Quinlin
12.2.12 Shellharbour City Anglican Church: Occupation agreement for vacant space in Warilla Council Chambers Building	Andrew Stratford Diane Quinlin
12.2.14 Lot 1000 DP 880969: NSW Fire Brigade: Extension of Lease term over subdivided lot	Peter Moran Sonya McKay
12.3.1 Destination Albion Park: Acceptance of Grant	Sonya McKay

### **8. Adjournment – Consideration of Addresses to Council**

**Meeting adjourned at 6.37 pm**

**Meeting resumed at 6.57 pm**

### **9. Administrator's Statements / Reports / Presentations**

The Administrator outlined the functions he had attended since the Council Meeting of 2 June 2009, including attendance at the BITRE Infrastructure Colloquium and ALGA National General Assembly of Local Government.

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

### **11. Administrator's Minutes**

Nil

## **12. Reports**

### **12.1 General Manager's Office**

### **12.2 Operations & Services Division**

#### **12.2.1 DA No. 99/2007 (Pt 2) - Lot 54, DP 21893, 49 Little Lake Crescent, Warilla - Modification to Terrace Height and Alternative Rainwater Tank Location (9115007)**

96 RESOLVED:

That Council refuse the amending Development Application No. 99/2007 (Pt 2) for the raised terrace and relocated rainwater tank at Lot 54, DP 21893, 49 Little Lake Crescent, Warilla under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, for the following reasons.

1. The development has been undertaken in a manner unacceptably inconsistent with the original development consent and is contrary to Section 79C in that:
  - a. The proposal is considered inconsistent with *State Environmental Planning Policy No. 71 – Coastal Protection* as it has an unsatisfactory relationship with the surrounding area and is of a type, scale and size that are inappropriate for the location. The key reason for this is the height of the structure that is visually imposing and out of keeping with the natural landform. Furthermore, the development has been constructed on land that is subject to coastal erosion as identified in Council's *Residential Development Control Plan*.
  - b. The development is contrary to Council's *Residential Development Control Plan* in that:
    - i. The development is inconsistent with the objectives of the Plan as it is incompatible with the adjoining development and surrounding area given the height of the structure relative to the level of the surrounding development and land.
    - ii. The raised terrace and garden impact on privacy of adjoining lots by providing overlooking opportunities.
    - iii. The extent of fill is over 1m in depth and contrary to Council's requirements. No valid reason for the amount of fill has been given and there are no exceptional site circumstances to justify the fill.
  - c. The development contains a significant amount of landfill. Satisfactory information has not been submitted to verify with certainty the suitability of that material for a residential use.

2. That Council initiate action to seek compliance with the original Development Consent No. 99/2007 by issuing a Notice pursuant to Section 121H and thereafter Order pursuant to Section 121B, No. 15.
3. That Council refer this matter to the Building Professionals Board.
4. The development is not in the public interest for the reasons outlined above.

**12.2.2 Tender 2009/11: Myimbarr Community Park - Sportsfield Lighting Works (9113074)**

97 RESOLVED:

1. That Council decline to accept any of the tenders for the design, supply, installation and 10 year maintenance of Myimbarr Community Park – Sportsfield Lighting Work.
2. That Council enter into negotiations with Musco Lighting Australia Pty Ltd (Musco Lighting) with a view to entering into a contract for the design, supply, and installation and 10 year maintenance of Myimbarr Community Park – Sportsfield Lighting Work. The reasoning being that:
  - a. the previous 'invitation for tenders' process was well advertised and provided sufficient time for submissions. This process yielded only one conforming tender which was from Musco Lighting
  - b. analysis of the Musco Lighting tender indicates there is an opportunity to significantly reduce the tendered price and still comply with the requirements of the tender document, thus maximising the advantage to Council, from an otherwise complying tender.

**12.2.3 Tender 2009/13: Supply and Laying of Asphaltic Concrete (9117090)**

98 RESOLVED:

1. That Council accept the tender of Boral Asphalt for the supply and laying of asphaltic concrete within Shellharbour City for the period 1 July 2009 to 30 June 2011, in accordance with the recommended tender rates shown in Attachment 2.

2. That Council accept Pioneer Road Services Pty Ltd tender for the supply only component for the period 1 July 2009 to 30 June 2011, in accordance with the recommended tender rates shown in Attachment 2.
3. That Council delegate to the General Manager, the authority to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.

**12.2.4 Tender 2009/14: Road Stabilisation Works (9118653)**

99 RESOLVED:

1. That Council accept the tender of Downer EDi Works Pty Ltd for the insitu stabilisation for the period 1 July 2009 to 30 June 2011, in accordance with the recommended tender rates shown in Attachment 2.
2. That Council delegate to the General Manager, the authority to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.

**12.2.5 Tender 2009/15: Supply of Traffic Management Services (9118044)**

100 RESOLVED:

1. That Council accept the tender of Traffic Management Services (Aust) Pty Ltd for the supply of traffic management services for the period 1 July 2009 to 30 June 2011, in accordance with the recommended tender rates shown in Attachment 2.
2. That Council delegate to the General Manager, the authority to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.

**12.2.6 Tender 2009/16: Pavement Marking Services (9116898)**

101 RESOLVED:

1. That Council accept the tender of Wollongong Line Marking Services Pty Ltd for pavement marking services for the period 1 July 2009 to 30 June 2011, in accordance with the recommended tender rates shown in Attachment 2.
2. That Council delegate to the General Manager, the authority to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.

**12.2.7 Tender 2009/17: Supply Only and Supply and Delivery of Road Pavement Materials (9117394)**

102 RESOLVED:

1. That Council accept the tender of Permian Resources Pty Ltd for the supply only and supply and delivery of road pavement materials for the period 1 July 2009 to 30 June 2011, in accordance with the recommended tender rates shown in Attachment 2.
2. That Council accept Cleary Bros (Bombo) Pty Ltd as a back up supplier for road pavement material for the period 1 July 2009 to 30 June 2011.
3. That Council delegate to the General Manager, the authority to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.

**12.2.8 Tender 2009/18: Supply and Delivery of Ready Mixed Concrete (9117078)**

103 RESOLVED:

1. That Council accept Cleary Bros tender for the supply and delivery of ready mixed concrete for the period 1 July 2009 to 30 June 2011, in accordance with the recommended tender rates shown in Attachment 2.
2. That Council accept Cemex Australia as a backup supplier of readymixed concrete for the period 1 July 2009 to 30 June 2011.
3. That Council delegate to the General Manager, the authority to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.

**12.2.9 Tender 2009/19: Supply and Spray Bitumen and Associated Services (9116657)**

104 RESOLVED:

1. That Council accepts the tender of Pioneer Road Services Pty Ltd for supply and spray bitumen and associated services for the period 1 July 2009 to 30 June 2011, in accordance with the recommended tender rates shown in Attachment 3.
2. That Council delegate to the General Manager, the authority to sign the Letter of Award to the Contractor for and on behalf of Shellharbour City Council.



**12.2.10 Review of restriction of access to documents: Section 12 of the Local Government Act 1993 (9252282)**

105 RESOLVED:

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

**12.2.11 Department of Education & Training: Renewal of lease for occupation of part Warilla Council Chambers Building (9116978)**

106 RESOLVED:

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

**12.2.12 Shellharbour City Anglican Church: Occupation agreement for vacant space in the Warilla Council Chambers Building (9116814)**

107 RESOLVED:

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

**12.2.13 Lot 4251 DP 1057886 Munduran Close, Albion Park: Acquisition of easement for electricity supply (9116468)**

108 RESOLVED:

1. That Council advise Integral Energy that the works to lay underground cables through Lot 4251 DP 1057886 Munduran Close, Albion Park are approved and to proceed with the acquisition of a 1 metre wide easement for a compensation amount of \$1,000.00 plus GST.
2. That the General Manager be authorised to sign the Integral Energy Agreement for Entry, Grant and Creation of Easement Form, as owner of the land, in order for works to commence.
3. That Integral Energy be advised that they must restore any damage to Council property associated with the creation of the easement and will be responsible for all costs associated with the creation of the easement.

4. That the Administrator and General Manager sign the documentation associated with the acquisition and registration of easement under Council Seal.

**12.2.14 Lot 1000 DP 880969: NSW Fire Brigade: Extension of lease term over subdivided lot (9119296)**

109 RESOLVED:

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

**12.3 Community Planning & Strategies Division**

**12.3.1 Destination Albion Park - Acceptance of Grant (9119773)**

110 RESOLVED:

1. That Council endorse the General Manager's acceptance of the grant funding of \$2,230,000 from the Commonwealth of Australia for the Destination Albion Park project.
2. That Council endorse the signing of the funding agreement by the General Manager.
3. That the budget be amended accordingly.

**12.4 Shell Cove Business Division**

**12.4.1 Place Leaders Association (9118983)**

111 RESOLVED:

1. That Council agree to its existing membership of Place Leaders Association being transferred to Place Leaders Association Limited.
2. That Council authorise the Administrator and the General Manager to execute the document under seal.

**13. Committee Recommendations**

**13.1 Recommendations from the Traffic Committee Meeting held 3 June 2009 recommended for adoption.**

112 RESOLVED:

That the Recommendations from the Traffic Committee Meeting held of 3 June 2009 be adopted.

**14. Items for Information**

**14.1 Investments (9120967)**

113 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**

Nil

**20. Committee of the Whole in Closed Session: Adjournment**

Nil

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**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 7.16 pm**