

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 25 August 2009 commencing at 6.02 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

Acting Group Manager Corporate Services

F MastroDomenico

Group Manager Development & Technical Services

M Boenisch

Group Manager Planning Services

G Hoynes

Acting Manager Development Services

G Meredith

Corporate Solicitor

B McCann

Media Officer

R Payne

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 4 August 2009

146 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 4 August 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 Mathew (Mat) Bourke | of | Albion Park |
| Mr Reg Griffiths | of | Albion Park |
| Mr Richard (Rick) Ward | formerly of | Albion Park |
| Mrs Doris Lowry | of | Albion Park Rail |
| Mr Raymond Richards | of | Albion Park Rail |
| Mrs Rosina (Rose) Fraser | of | Albion Park Rail |

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| | | |
|--|-------------|----------------|
| Mr John (Don) McMurdo | of | Barrack Point |
| Mrs Sophie Koller | of | Flinders |
| Mrs Jan Bain "Granny" | of | Lake Illawarra |
| Mrs Katharina Franziska Virgils (Nee Schmit) | of | Mount Warrigal |
| Mr Ronald Charles (Dick) Brewer | of | Mount Warrigal |
| Mr Russell Phillip Elliss | of | Mount Warrigal |
| Mr Mirko Yayalo | of | Oak Flats |
| Mr Tibor (Ted) Straub | of | Oak Flats |
| Mr Horace (Harry) Harding | formerly of | Oak Flats |
| Mr Clive Richard Owen | of | Shellharbour |
| Mr Brian William O'Connell | of | Warilla |
| Mrs Janet Boyd (Nita) Peachman | of | Warilla |

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

7. Addresses to Council

| Agenda Item No & Title | Name |
|--|----------------------------|
| 12.3.1 Illawarra Regional Airport Capability Study | Sonya McKay |
| 12.4.1 Shell Cove Quarterly Report | Peter Moran Sonya McKay |

8. Adjournment – Consideration of Addresses to Council

Meeting adjourned at 6.27 pm

Meeting resumed at 6.47 pm

9. Administrator's Statements / Reports / Presentations

Nil

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

Nil

11. Administrator's Minutes

Nil

12. Reports

12.1 General Manager's Office

12.1.1 Management Plan Review for the Quarter and Year Ended 30 June 2009 (9151508)

148 RESOLVED:

That the report be received, noted and endorsed.

12.1.2 June Quarter Budget Review (9152760)

149 RESOLVED:

That this report be received and noted.

12.1.3 2008/2009 Annual Financial Reports (9149103)

150 RESOLVED:

1. That Council make the Statements (as attached) and approve the application of the signatures by the Administrator and the General Manager to those statements, as required by Clause 215 of *the Local Government (General) Regulation 2005*.
2. That the Annual Financial Reports be formally referred for audit.

12.2 Operations & Services Division

12.2.1 DA No. 73/2009 - Lot 2, DP 630517, 445 - 449 Shellharbour Road, Shellharbour - Stage 1: Use of Lot 2 for Temporary Storage of Buses - Stage 2: Construction of a Structure for the Permanent Parking of Buses (9150798)

151 RESOLVED:

That the Council refuse Development Application No. 73/2009 for staged proposal for the temporary storage of buses and construction of a structure for the permanent parking of buses at Lot 2, DP 630517, 445 – 449 Shellharbour Road, Shellharbour under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, for the following reasons.

A. Reasons for refusal:

1. Under Section 79C(1)(a) the proposed development is unsatisfactory as it impacts on residential amenity by adversely affecting outlooks and air quality.
2. Under Section 79C(1)(b) the proposed structure is unsatisfactory due to its bulk, scale and design which contributes to the loss of residential amenity.
3. Under Section 79C(1)(c) the proposed site is not considered suitable for the proposed development in that it is incompatible with the adjoining residential zone.
4. Under Section 79C(1)(e) for the above reasons, approval of the application is not in the public interest.

B. That the applicant be advised in writing of 'options' concerning the refusal, including the ability to have the matter reconsidered by Council via a Section 82A Review.

12.2.2 2009/2010 Regional Roads Block Grant (9149183)

152 RESOLVED:

1. That the Council accept the RTA's offer of \$177,000 for funding the 2009/2010 Regional Roads Block Grant.
2. That the RTA's grant offer of \$41,000 for the Ex 3x3 Program be used to accelerate works on Council's Regional Road, Terry Street, Albion Park.
3. That authority be given to execute all necessary documents, including use of the Council Seal as required, in relation to this grant.

4. That Council's budget be amended accordingly.

12.2.3 Horsley Creek Shared Use Path Crossing: Princes Highway, Albion Park Rail (9149316)

153 RESOLVED:

1. That the Council endorse the acceptance of the RTA's funding offer of \$100,000 towards the installation of a shared use path connection on the Princes Highway, Albion Park Rail crossing Horsley Creek.
2. That Council allocate \$15,000 in savings from the previous stage of the Princes Highway Shared Use Path works.
3. That \$60,000 be allocated from the Asset Improvement Program and this adjustment be made at the September Quarter Budget Review.
4. That Council identify the remaining \$25,000 of funding at the September Quarter Budget Review.
5. That the budget be amended accordingly.

12.2.4 Croom Regional Sporting Complex: Private Land Conservation Grant (9149079)

154 RESOLVED:

1. That the Council accept a grant of \$4,500 for weed control at Croom Regional Sporting Complex under the Private Lands Conservation Program from the Foundation for National Parks and Wildlife.
2. That Council's 2009/2010 budget be amended accordingly.

12.2.5 Corruption and Fraud Prevention: Policy Review (9145569)

155 RESOLVED:

That Council adopt the amended Corruption and Fraud Prevention Policy.

12.2.6 Lot 140 DP 213767, Station Road, Albion Park Rail (McDonald Park) Proposed Lease Agreement: Albion Park - Oak Flats Pigeon Club (9101242)

156 RESOLVED:

1. That Council enter into a five year licence agreement with Albion Park-Oak Flats Pigeon Club for the occupation of the Clubhouse on Lot 140 DP 213767, McDonald Park for an annual rental of \$100.00 plus GST;
2. That the Administrator and General Manager be authorised to execute the licence agreement under the Seal of Council.

12.3 Community Planning & Strategies Division

12.3.1 Illawarra Regional Airport Capability Study (9153365)

157 RESOLVED:

1. That Council accept the grant of \$45,980 from the NSW Department of State and Regional Development (Industry and Investment NSW) for the Illawarra Regional Airport Capability Study.
2. That Council's matching contribution to this grant be funded from the Forward/Retail/Commercial Planning areas (\$19,779) and the remaining (\$26,201) from the Airport Budget.
3. That the Budget be amended accordingly

12.4 Shell Cove Business Division

12.4.1 Shell Cove Quarterly Report (9142099)

158 RESOLVED:

1. That the quarterly report for the period 11 May 2009 to 16 August 2009 for the Shell Cove Project be received and noted.
2. That Council authorise the Administrator and General Manager to execute the deeds of amendment with Hanson Construction Materials Pty Ltd under Council Seal. Further, that the deeds of amendment be publicly released subject to deletion of any commercially sensitive information contained therein.
3. That Council authorise the Administrator and General Manager to execute the Subdivision Plan and 88B Instrument for the subdivision of

Lot 6541 DP 1135834 and on the Transfer for proposed lot 6801 (WPS0371) under Council Seal.

13. Committee Recommendations

13.1 Recommendations from the Traffic Committee Meeting held 5 August 2009 recommended for adoption.

159 RESOLVED:

That the Recommendations from the Traffic Committee Meeting held 5 August 2009 be adopted.

14. Items for Information

14.1 Investments (9154934)

160 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

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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 7.17 pm