

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 10 November 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 Planning Services

G Hoynes

Group Manager Corporate Planning

P Masterson

Corporate Solicitor

B McCann

Manager Media & Communications

N East

Manager Financial Services

P Henderson

Manager Executive Services

F MastroDomenico

Manager Development Services

G Meredith

Executive Assistant

L Davey

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.

Webcasting

Administrator's Comment

The Administrator read the normal advice regarding the webcasting of the meetings of the Council.

2. Confirmation of Minutes

2.1 Ordinary Meeting 13 October 2009

199 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 13 October 2009 as circulated be taken as read and confirmed as a correct record of proceedings.

The Administrator noted the presence in the gallery of Mr Bernie Payne and explained that Mr Payne had been expelled from two previous Council Meetings. He advised that in order to avoid any further disruption and inconvenience to the members of the public in attendance, it would be noted that Mr Payne was indebted to Council to the extent of two "unreserved apologies" for previous behaviour at Council Meetings.

3. Apologies / Leave of Absence

Ordinary Council Meeting

Nil

4. Confidential Business (Committee of the Whole)

Nil

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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 Brian Hickey	of	Albion Park
Mrs Catherine Seath Devlin	of	Albion Park
Mrs Dawn Narelle Stephens	of	Albion Park
Mr Elpidio Rocchi	of	Albion Park
Ms Marina Phillips	of	Albion Park
Mrs Enid Agland	of	Albion Park Rail
Mr Allan Chandler	of	Barrack Heights
Mrs Carmel McLean	of	Barrack Heights
Mr Frank Dennis Sidwell	of	Blackbutt
Mrs Helen Judith Watkinson	of	Blackbutt
Mr Bernie Bagley	of	Flinders
Mrs Emma Dobos	of	Flinders
Mrs Tanja Ecker	of	Flinders
Mr Ante (Tony) Zivkovic	of	Lake Illawarra
Mrs Doreen Hines	of	Lake Illawarra
Mrs Violet Florence Wilson	of	Lake Illawarra
Mr Donald Bede (Don) Punch	of	Mount Warrigal
Mr Jose (Gus) Velasco	of	Mount Warrigal
Mr Frank (Francis George) Mulhall	of	Shellharbour
Ms Janette (Jan) Marie Proctor	of	Shellharbour
Mrs Barbara Milic	of	Warilla
Mrs Elaine Sheely	of	Warilla

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Mrs Isabelle (Bell) Glass of Warilla
Mrs Patricia Margaret (Pat) Coleman of Warilla
Mrs Marie Theresa Stevenson of Warilla
Mr Ronald (Ron) William Henderson of Warilla

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

7. Addresses to Council

Agenda Item No & Title	Name
11.1 Memo (Complaints and Investigations by the Department of Local Government): Review of Restriction of Access to Document	Sonya McKay Peter Moran Shirley Hollis
12.1.3 2008/09 Annual Financial Reports	Bernie Payne
12.1.4 Joint Regional Planning Panels	Sonya McKay

As a result of Ms Sonya McKay failing to refrain from making disparaging comments despite several warnings by the Administrator it was resolved as follows:

201 RESOLVED:

That Ms Sonya McKay no longer be heard.

12.1.4 Joint Regional Planning Panels (cont)	Bernie Payne
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As a result of Mr Bernie Payne failing to refrain from making disparaging comments despite several warnings by the Administrator it was resolved as follows:

202 RESOLVED:

That Mr Bernie Payne no longer be heard.

12.1.4	Joint Regional Planning Panels (cont)	Peter Moran
12.2.1	DA No. 227/2009 - Lots 8 & 9, DP 238015, 68 & 70 Addison Avenue, Lake Illawarra	Rick Smith
12.2.2	DA No. 252/2009 - Lot 99, DP 12780, Headland Parade, Barrack Point and Lot 45, DP 23239, Little Lake Crescent, Warilla - Construction of Pedestrian Bridge over the Entrance to Elliott Lake	Mary Smith
12.2.8	Tender 2009/30: Acquisition of Golf Carts	Bernie Payne Peter Moran
12.2.11	Policy Review: Dealing with Unreasonable Customer Conduct	Sonya McKay
12.3.2	Calderwood Urban Development Project - Part 3A Major Project Applications - Proposed Concept Plan and Stage 1 Project Application (MP 09 0082 and MP 09 0083) Delfin Lend Lease	Judith Ball Peter Moran Sonya McKay

8. Adjournment – Consideration of Addresses to Council

Meeting adjourned at 7.30 pm

Meeting resumed at 8.20 pm

9. Administrator's Statements / Reports / Presentations

The Administrator outlined the functions/events he had attended since the Council Meeting of 15 September 2009.

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

Nil

11. Administrator's Minutes

11.1 Memo (Complaints and Investigations by the Department of Local Government): Review of Restriction of Access to Document (9185729)

203 RESOLVED:

1. That all individuals named in the memo dated 24 May 2005 be advised that the Council will, through its Public Officer, release an unedited version of the memo dated 24 May 2005 entitled "*Complaints and Investigations by the Department of Local Government*" if an application for its release under Freedom of Information legislation is received.
2. That those individuals also be advised that they can, if they choose, advise the Public Officer that they believe that those parts of the memo relating to them should not be released because (in their view) that would not be in the public interest.

12. Reports

12.1 General Manager's Office

12.1.1 Management Plan Review for the Quarter Ended 30 September 2009 (9194589)

204 RESOLVED:

That the Management Plan Review for the Quarter ended 30 September 2009 be received, noted and endorsed.

12.1.2 September 2009 Quarter Budget Review (9196262)

205 RESOLVED:

1. That Council adopt the September 2009 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 2010, of \$10,586, rather than the previously estimated deficit of \$4,004.

12.1.3 2008/09 Annual Financial Reports (9194742)

Mr Warwick Shanks of KPMG gave a brief summary of the Annual Financial Reports to the meeting.

206 RESOLVED:

That the 2008/2009 Financial and Audit Reports be adopted.

12.1.4 Joint Regional Planning Panels (9197174)

207 RESOLVED:

That Council's appointed community member, Mr Graham Mitchell receive \$1000 (+ GST) for each Joint Regional Planning Panel hearing in which he participates.

12.1.5 Christmas/New Year Closure of Council Operations (9195805)

208 RESOLVED:

That this report be received and noted, specifically including the closure of Council Library services.

12.2 Operations & Services Division

12.2.1 DA No. 227/2009 - Lots 8 & 9, DP 238015, 68 & 70 Addison Avenue, Lake Illawarra - Demolition of Existing Buildings, Construction of a 3 Storey Mixed Use Building - Two Retail/Commercial Units, Six Residential Units & Strata Subdivision (9192603)

209 RESOLVED:

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

12.2.2 DA No. 252/2009 - Lot 99, DP 12780, Headland Parade, Barrack Point & Lot 45, DP 23239, Little Lake Crescent, Warilla - Construction of Pedestrian Bridge over the Entrance to Elliott Lake (9188777)

210 RESOLVED:

1. That the Council approve Development Application No. 252/2009 to construct a concrete cycleway/pedestrian bridge over the entrance to Elliott Lake, from Lot 99, DP 12780, Headland Parade, Barrack Point to Lot 45, DP 23239, Little Lake Crescent, Warilla, under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the conditions following the conclusion of this report.
2. That staff investigate the matter of lockable gates on the bridge after an operational period of up to 12 months.
3. That those people who have made submissions as a result of the notification of this development application be advised accordingly.

12.2.3 Destination Albion Park Concept Plans (9182506)

211 RESOLVED:

1. That the Council adopt the Destination Albion Park Concept Design Report and Concept Plans for the purpose of developing detailed design plans.
2. That the Council seek a variation to its project contract with the Commonwealth of Australia based on the recommendations contained in the Concept Design Report and Concept Plans.

12.2.4 Tongarra Road & Russell Lane Land Acquisition (9192933)

212 RESOLVED:

1. That the Council acquire by private agreement the land required for road widening and construction work from properties 147 to 171-173 Tongarra Road, Albion Park. The widening required from these properties is shown on the plans attached to this report.
2. That if negotiations for private acquisition are unsuccessful that Council acquire the land required for road widening by compulsory acquisition in accordance with the *Roads Act 1993* and the *Land Acquisition (Just Terms Compensation) Act 1991*. The total widening required is:

36m² from No.147 Tongarra Road, Lot 24 DP 112260
43m² from No.149 Tongarra Road, Lot 1 DP 817032
50m² from No.151 Tongarra Road, Lot 262 DP 1121826
174m² from No.155 Tongarra Road, Lot 286 DP 845162
83m² from No.157 Tongarra Road, Lot 285 DP 845162
89m² from No.159 Tongarra Road, Lot 284 DP 845162
77m² from Lot 283 DP 845162
84m² from No.161 Tongarra Road, Lot 282 DP 845162
72m² from No.163-165 Tongarra Road, Lot 332 DP 881436
72m² from No.167-169 Tongarra Road, Lot 346 DP 833461
84m² from No.171-173 Tongarra Road, Lot 100 DP 802839
3. That Council note that these areas area subject to final design and final cadastral survey.
4. That any necessary documentation be executed under seal of the Council.
5. That the subject land be classified as Operational Land once acquired, under the *Local Government Act 1993*.

12.2.5 Tender 2009/39: Croom Fire Hydrant Supply & Installation (9188708)

213 RESOLVED:

1. That the Council engage RE McMahon Pty Ltd to supply, fabricate and install fire hydrant services at Croome Road, Croom for the contract value of \$219,026 excluding GST.

2. That the 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.

12.2.6 Tender 2009/36: Dunmore Resource Recovery Centre Weighbridge (9189172)

214 RESOLVED:

1. That the Council accept the tender of Malsave Pty Ltd for the design, supply, construction and commissioning of a weighbridge and gatehouse at Council's Dunmore Recycling and Waste Disposal Depot for the contract value of \$154,094.00 excluding GST.
2. That the 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 Auction of Surplus and Obsolete Plant and Equipment (9187907)

215 RESOLVED:

That the Council approve the disposal its list of surplus and obsolete equipment (attached to this report) through South Coast Pty Ltd Auction.

12.2.8 Tender 2009/30: Acquisition of Golf Carts (9193519)

216 RESOLVED:

1. That the Council accept the schedule of rates tender of Augusta Golf Cars Pty Ltd for the supply and delivery of 58 EZGO RXV Golf Carts at the tendered price of \$466,710, subject to Council's subsequent approval for leasing arrangement.
2. That the purchase of the golf carts be funded through lease agreement that will be the subject of a separate report to the Council.
3. That the 2009/2010 Budget be amended accordingly.

12.2.9 Part Lot 299 DP 223828 Boonerah Point Reserve, Reddall Parade, Mount Warrigal: Renewal of Lease to The Scout Association of Australia New South Wales Branch (9187586)

217 RESOLVED:

1. That Council resolve to commence the process including advertising to renew the lease agreement with The Scout Association of Australia New South Wales Branch for the occupation of the scout hall located on Part Lot 299, DP 223828, Boonerah Point Reserve, Reddall Parade, Mount Warrigal.
2. That provided no submissions or objections are received following advertising of the proposal, Council approve renewal of the lease agreement on the same terms and conditions as the current lease agreement at a nominal annual rental of \$100.00 plus GST.
3. That the Administrator and General Manager be authorised to execute the lease agreement under Council Seal.

12.2.10 Lot 7 DP 1038941 Croome Road, Croom: Croom Regional Sporting Complex, Proposed Licence to Shellharbour Hockey Centre Incorporated (9187409)

218 RESOLVED:

1. That Council enter into a five (5) year licence agreement with Shellharbour Hockey Centre Incorporated for the use and occupation of the hockey fields located on Lot 7 DP 1038941, Croom Regional Sporting Complex, Croome Road, Croom for the nominal amount of \$1.00 per annum.
2. That the General Manager and Administrator be authorised to execute the Licence Agreement, under Council Seal.

12.2.11 Policy Review: Dealing with Unreasonable Customer Conduct (9198207)

219 RESOLVED:

That Council adopt the amended policy "Dealing with Unreasonable Customer Conduct".

12.3 Community Planning & Strategies Division

12.3.1 Integrated Planning and Reporting Framework (9194297)

220 RESOLVED:

That Council nominate to be included in Group 2 of the Integrated Planning and Reporting Framework, with the requirement to adopt its Community Strategic Plan and Delivery Program by 30 June 2011.

12.3.2 Calderwood Urban Development Project - Part 3A Major Project Applications - Proposed Concept Plan and Stage 1 Project Application (MP 09 0082 and MP 09 0083) Delfin Lend Lease (9195894)

221 RESOLVED:

That Council receive and note this report and authorise the General Manager to carry out any consultations that become necessary in relation to this matter.

12.3.3 Adoption of Amendments to the Waste Minimisation and Management Development Control Plan (9194441)

222 RESOLVED:

1. That Council, in accordance with section 74C of the Environmental Planning & Assessment Act, adopt the Waste Minimisation and Management Development Control Plan (Amendment 1) as attached to this report.
2. That an advertisement be placed in a local newspaper notifying the community of Council's decision to adopt the Waste Minimisation and Management Development Control Plan (Amendment 1).

12.4 Shell Cove Business Division

Nil

13. Committee Recommendations

13.1 Recommendations from the Traffic Committee Meeting held 7 October 2009 recommended for adoption.

223 RESOLVED:

That the Recommendations to Council from the Traffic Committee Meeting held on 7 October 2009 be adopted.

14. Items for Information

14.1 Investments (9196849)

224 RESOLVED:

That this item be received and 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 8.55 pm