

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 01 December 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 Community Services	M Forland
Group Manager Planning Services	G Hoynes
Group Manager Development & Technical Services	M Boenisch
Corporate Solicitor	B McCann
Manager Executive Offices	F MastroDomenico
Manager Development Services	G Meredith
Media Officer	R Payne
Executive Assistant	J Frasca
Executive Assistant	L Davey

1. Acknowledgement to Country

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

Webcasting

The Administrator read advice regarding the webcasting of this and future meetings of the Council. He said that Addresses to Council would not be webcast until it could be assured that Council would not be exposed to any action in the event that remarks made were actionable.

2. Confirmation of Minutes

2.1 Ordinary Meeting 10 November 2009

225 RESOLVED: That the Minutes of the Ordinary Council Meeting held on 10 November 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.

Mrs Phyllis Bruce	of	Albion Park
Mrs Doreen (Neen) Hall	of	Albion Park Rail
Mr Jason (Toota) McIlhatton	formerly of	Albion Park Rail
Mrs Annunziata Bahrow	of	Barrack Heights
Mr Dennis Craig Murray	of	Flinders

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Mrs Joyce Edith Dunn	of	Lake Illawarra
Mr Antonio Guzman	formerly of	Mt Warrigal
Mrs Anna Kanitz	of	Oak Flats
Mr John Albert (Jack) Eshman	of	Oak Flats
Mrs Marjorie Davis	of	Oak Flats
Mrs Mary Barton	of	Oak Flats
DeArna Grace Nolan (baby)	of	Warilla
Mr Leslie John Donohoe	of	Warilla
Mrs Margaret (Maggie) McLintock	of	Warilla

226 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 Code of Meeting Practice: Review (9207958)	Bob Parsons Bernie Payne Sonya McKay Peter Moran
12.2.3 Tender 2009/40 - Shellharbour City Foreshore Landscaping, Structural & Civil Works (9200631)	Bob Parsons
14.1 Community Review of Domestic Waste Strategy (9202821)	Bob Parsons

8. Adjournment – Consideration of Addresses to Council

Meeting adjourned at 6.29pm

Meeting resumed at 6.52pm

9. Administrator's Statements / Reports / Presentations

The Administrator outlined the functions/events he had attended since the Council Meeting of 10 November 2009.

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

Nil

11. Administrator's Minutes

11.1 Code of Meeting Practice: Review (9207958)

227 RESOLVED:

1. That the draft amended Code of Meeting Practice presented to and amended by this Council Meeting (Clause 8.2.2. addition of the words "or at some other time resolved by the Council as a result of a motion on notice" be formally adopted for the purposes of public exhibition.
2. That the draft Code be publicly exhibited for a period of 28 days from 9 December 2009 and that submissions be received from the community until 19 January 2010.
3. That a further report be presented to the Council following the exhibition and submission period detailing the purport of the submissions received (if any) and the way in which those submissions have impacted on the draft Code.

12. Reports

12.1 General Manager's Office

12.1.1 Policy on Payment of Expenses and Provision of Facilities to the Mayor and Councillors (9207256)

228 RESOLVED:

1. That the draft revised Policy for Payment of Expenses and Provision of Facilities to the Mayor and Councillors (Administrator) as required under S252 and S253 of the *Local Government Act 1993* presented to this Council Meeting be formally adopted for the purposes of public exhibition.
2. That the draft Policy be publicly exhibited for a period of 28 days from 9 December 2009 and that submissions be received from the community until 12 January 2010.
3. That a further report be presented to the Council following the exhibition and submission period detailing the purport of the submissions received (if any)

and the way in which those submissions have impacted on the revised Policy.

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 (9204272)

229 RESOLVED:

That the Council refuse Development Application No. 227/2009 for Lots 8 & 9, DP 238015, 68 & 70 Addison Avenue, Lake Illawarra under Section 80 of the *Environmental Planning & Assessment Act* 1979, as amended for the reasons contained in this report following the conclusions.

Reasons for Refusal

1. The development is considered to be inconsistent with the objectives of *State Environmental Planning Policy (SEPP) No. 65* in that the building does not satisfactorily address Principles 1, 2, 4 and 9 in that the building is out of context, of an inappropriate scale with excessive density. No consideration has been given to social dimensions.
2. The application does not satisfy Clause 29(1A)(a) of SEPP No. 65 in that the qualifications of the architect and his/her role in the project were unknown.
3. The development fails to comply with Council's *Medium Density Development Control Plan* in that it has an excessive Floor Space Ratio (FSR), is of an inappropriate scale with potential overlooking from balconies and proposes the same design with insufficient differentiation which will adversely affect streetscape.
4. The development is contrary to Council's *Commercial Development Control Plan* in regard to FSR, site coverage, bulk and garbage servicing.
5. The design of the development is inadequate to enable access to the car parking spaces for cars and to the site for 8.8m long Medium Rigid Vehicles and garbage trucks.
6. The substantial variation to the current density requirement is premature as any possible changes to the development controls as part of the preparation of the draft Principal LEP has not been finalised.
7. The development is considered contrary to the public interest for reasons outlined in 1-6 above.

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12.2.2 DA No. 237/2009 - Lots 1162, 1163 & 1165, DP 1076113, Bounded by Cove Boulevard & Shallows Drive, Shell Cove - GP Super Clinic (9201221)

230 RESOLVED:

That the Council approve Development Application No. 237/2009 for a GP Super Clinic at Lots 1162, 1163 & 1165, DP 1076113, Corner Cove Boulevard & Shallows Drive, Shell Cove under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 77 conditions following the conclusion.

12.2.3 Tender 2009/40 - Shellharbour City Foreshore Landscaping, Structural & Civil Works (9200631)

231 RESOLVED:

That the Council decline to accept any of the tenders and invite fresh tenders based on an adjusted scope

12.2.4 Policy Review: Protected Disclosures Policy (9206461)

232 RESOLVED:

That Council adopt the revised Protected Disclosures Policy reported to the Council on 1 December 2009.

12.3 Community Planning & Strategies Division

12.4 Shell Cove Business Division

13. Committee Recommendations

13.1 Recommendations from the Traffic Committee Meeting held 4 November 2009 recommended for adoption

233 RESOLVED: That the Recommendations from the Traffic Committee Meeting held 4 November 2009 be adopted.

13.2 Discussion Notes from the Aboriginal Advisory Committee Meeting held 10 November 2009, held without quorum

234 RESOLVED: That the Recommendations from the Aboriginal Advisory Committee Meeting held 10 November 2009 be received and noted.

14. Items for Information

14.1 Community Review of Domestic Waste Strategy (9202821)

14.2 Investments (9208069)

235 RESOLVED:

That the Items 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

21. Committee of the Whole: Consideration of Adoption of Decisions Reached in Closed Session

22. Committee of the Whole: Consideration of Declassification of Reports

Before closing the meeting, the Administrator asked the General Manager to note the dedicated service of Mrs Jennie George to Council and its community and she be advised of Council's appreciation accordingly. The Administrator stated that he hadn't

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come across a harder working Federal MP, in his experience. Ms George is a passionate advocate for the electorate and the Region and her depth of knowledge on issues was exemplified at a recent RSL Sub Branch regional forum.

Meeting closed 7.07 pm