

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 20 April 2010 commencing at 3.03 pm**

Present

Administrator

Mr D Jesson

In attendance

General Manager	B A Weir
Director of Community Planning & Strategies	P O'Rourke (part)
Director Shell Cove Business Unit	P Woodcock
Manager Executive Services / Public Officer	F MastroDomenico
Group Manager Corporate Services	T Gearon
Corporate Solicitor	B McCann
Manager Development Services	G Meredith
Group Manager Works & Services	C Watt (part)
Group Manager Development & Technical Services	M Boenisch
Manager Media & Communications	N East
Group Manager Community Services	M Forland (part)
Property Manager	D Flanagan
Property Administration Officer	T Robinson
Casual Admin Assistant	K White
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

2. Confirmation of Minutes

2.1 Ordinary Meeting 30 March 2010

51 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 30 March 2010 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 Joyce Valda Allan	of	Albion Park
Mrs Madeline Mary Wells	of	Albion Park Rail
Mr Ron Lee	of	Albion Park Rail
Mr Velkko Olavi Kolehmainen	formerly of	Albion Park Rail
Mr Constantine Skarvelis	of	Barrack Heights

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Mrs May Lenny	of	Flinders
Mrs Valerie Anne Thelan	of	Flinders
Mr Colin Denton	of	Mount Warrigal
Mrs Judy Glowacki	of	Mount Warrigal
Mr Milovan Panic	of	Mount Warrigal
Mr Friedrich Mueller	of	Oak Flats
Mrs Patricia Florence Pearson	of	Shellharbour
Mr Walter Bohnert	of	Shellharbour
Mrs Angela Creagan	of	Shellharbour
Mrs June Hales	of	Warilla
Mr Colin Denton	of	Warilla

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

7. Addresses to Council

Agenda Item No & Title	Name
12.2.3 DA No. 454/2009 - Lot 53, DP 21893, 51 Little Lake Crescent, Warilla: Demolition of the Existing Dwelling & Construction of Two Storey Dwelling with Double Garages at Ground Floor, Basement Parking & Retaining Walls in the Rear Yard (9276314)	Harry Kahla Mick Elsalin (declined to speak)
12.2.8 Shellharbour City Council & the Trustees of the Roman Catholic Church for the Diocese of Wollongong, Part of Lot 10 DP 575555 and Part of Lot 301, DP 1041577: Option Agreement for the purchase of land (land swap) (9280407)	Peter Moran (not in attendance) Paula Turnbull

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12.2.10 Lot 4000 DP 809913 Lamerton Crescent, Shellharbour City Centre: Tamsin Lewthwaite (Tamsin's Beauty Therapy) renewal of lease (9275937)	Peter Moran (not in attendance)
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The Administrator noted that Mr Peter Moran who was listed to speak in Addresses to Council was not present in the gallery.

53 RESOLVED:

That the Council meeting be adjourned to enable it to consider matters raised during Addresses to Council.

8. Adjournment – Consideration of Addresses to Council (meeting not to resume until 4.00pm at the earliest)

Meeting adjourned at 3.14pm

Meeting resumed at 4.02pm

9. Administrator's Statements / Reports / Presentations

The Administrator outlined the functions/events he had attended since the Council Meeting of 30 March 2010.

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

Nil

11. Administrator's Minutes

Nil

12. Reports

12.1 General Manager's Office

Nil

12.2 Operations & Services Division

RESOLVED: That Item Nos 12.2.1, 12.2.2, 12.2.4, 12.2.5, 12.2.6, 12.2.7, 12.2.9, 12.2.10, 12.2.11, 12.2.12, and 13.1 be adopted as follows;

12.2.1 Part Lot 11 and Lot 12 DP 1125335 (Formerly Part Lot 1 and Lot 2 DP 588826), Benaud Crescent, Warilla: Proposed Easement for Access (9238413)

54 RESOLVED:

1. That, subject to Development Approval for the associated Right of Way, Council grant an easement for access over land described as Part Lot 11 and Lot 12 DP 1125335 Benaud Crescent, Warilla, with the exact dimensions and location of that easement to be determined as required by any condition of approval.
2. That Council enter into a conditional agreement with DAA Holdings Pty Ltd for a consideration of \$10,000 for the creation of the easement.
3. That all costs associated with the physical creation and associated works be met by the applicant.
4. That the Administrator and the General Manager be authorised to execute any necessary documentation under Council Seal.

12.2.2 DA No. 54/2010 - Lots 11 & 12, DP 1125335, Lake Entrance Road, Warilla and Lot 235, DP 236194, 144 Shellharbour Road, Warilla: Creation of a Secondary Access (9280222)

55 RESOLVED:

That the Council approve Development Application No. 54/2010 for the creation of a secondary access to Lot 235, DP 236194 from Lake Entrance Road, Warilla at Lots 11 & 12, DP 1125335, Lake Entrance Road and Lot 235, DP 236194, Shellharbour Road, Warilla under Section 80 of the *Environmental Planning & Assessment Act 1979* subject to the conditions contained in this report.

12.2.4 Fee Reduction Policy: Request for Variation (9274049)

56 RESOLVED:

That the Council allow an exception to the Fee Reduction Policy and increase the funds available to the Salvation Army for the disposal of an increased level of illegally dumped material to \$6,000 per annum.

12.2.5 Extension of Contract 2008/4: Recovery and Sale of Recyclable Material and Saleable Goods at the Dunmore Recycling and Waste Disposal Depot (9274098)

57 RESOLVED:

That the Council extend the term of Contract 2008/4 - Recovery and Sale of Recyclable Material and Saleable Goods at the Dunmore Recycling and Waste Disposal Depot for the First Extension Period, being from 1 July 2010 to 30 June 2011.

12.2.6 Draft Waste Management Strategy (9273956)

58 RESOLVED:

1. That the Council publicly exhibit the *Draft Waste Management Strategy* for a minimum period of 28 days, and in accordance with Council's Community Engagement Policy.
2. A further report be submitted to the Council after the exhibition period has closed that includes a summary of submissions received and staff comments in relation to matters arising in any submissions.

12.2.7 Tender 2009/33: Installation of Underground Electrical Services for Tongarra Road Albion Park Destination Albion Park Project (9280309)

59 RESOLVED:

1. That the Council accept the lump sum tender of Tony Pollard Electrics Pty Ltd for Stage 1 of the Installation of Underground Electrical Services for Tongarra Road, Albion Park subject to Integral Energy's approval of the Final Design Plans for this work within the timeframe required under the Federal Governments Regional and Local Community Infrastructure Programme.
2. That the Council recall tenders for Stage 2 of the Installation of Underground Electrical Services for Tongarra Road, Albion Park with a reduced scope of works.

12.2.9 Investment Policy: Policy Review (9268704)

60 RESOLVED:

That Council adopt the attached amended Investment Policy.

12.2.10 Lot 4000 DP 809913 Lamerton Crescent, Shellharbour City Centre: Tamsin Lewthwaite (Tamsin's Beauty Therapy) renewal of lease (9275937)

61 RESOLVED:

1. That Council acknowledge the Option of Tamsin Lewthwaite and renew the lease agreement for the occupation of Shop 131 Lamerton House, Lamerton Crescent, Shellharbour City Centre for a period of three years at an annual rental of \$26,930.95 plus GST, to be reviewed annually by CPI plus 1.5% from each anniversary of the renewal.
2. That the General Manager and Administrator be authorised to sign the lease and associated documentation under Council Seal.

12.2.11 Oak Flats Neighbourhood Centre, 44 Fisher Street, Oak Flats: Licence Agreement to South Eastern Sydney Illawarra Area Health Service for the operation of the Oak Flats Baby Health Clinic (9275526)

62 RESOLVED:

1. That Council enter into a ten year licence agreement with South Eastern Sydney Illawarra Area Health Service for the use and occupation of the purpose built meeting room located in the Oak Flats Neighbourhood Centre, 44 Fisher Street, Oak Flats, for the operation of an Early Childhood Clinic, for an annual rental of \$1,040.00 plus GST to be increased annually by CPI.
2. That the Administrator and General Manager be authorised to affix the Seal of Council to the licence agreement and any necessary documents to enable the licence agreement to be finalised.

12.2.12 Part Beverley Whitfield Park, Beach Road, Shellharbour: Proposed Licence - Kickstart Fitness (927360)

63 RESOLVED:

1. That Council commence the formal process to enter into a 12 month trial licence agreement with Kickstart Fitness, including advertisement of the proposal.

2. That provided no submissions are received, Council enter into a 12 month trial licence agreement with Kickstart Fitness for the use and occupation of part of Beverley Whitfield Park as defined on the attached aerial photograph (Attachment 1), at an annual rental of \$2,200.00 plus GST. The hours of operation are to be limited to 6:30am to 7:30pm Monday to Friday and 7:00am to 8:00am Saturdays.
3. That the Administrator and General Manager be authorised the sign the licence agreement, under Council Seal.

13. Committee Recommendations

13.1 Recommendations from the Traffic Committee Meeting held 7 April 2010 recommended for adoption.

64 RESOLVED:

That the Recommendations from the Traffic Committee Meeting held of 7 April 2010 be adopted.

12.2.3 DA No. 454/2009 - Lot 53, DP 21893, 51 Little Lake Crescent, Warilla: Demolition of the Existing Dwelling & Construction of Two Storey Dwelling with Double Garages at Ground Floor, Basement Parking & Retaining Walls in the Rear Yard (9276314)

65 RESOLVED:

That the Council approve Development Application No. 454/2009 for demolition of the existing dwelling, construction of a two storey dwelling with ground floor garages, basement and retaining walls in the rear yard at Lot 53, DP 21893, 51 Little Lake Crescent, Warilla, under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the conditions contained in this report.

12.2.8 Shellharbour City Council & the Trustees of the Roman Catholic Church for the Diocese of Wollongong, Part of Lot 10 DP 575555 and Part of Lot 301, DP 1041577: Option Agreement for the purchase of land (land swap) (9280407)

66 RESOLVED:

1. That Council and the Trustees of the Roman Catholic Church for the Diocese of Wollongong enter into an option agreement for the purchase of land conditional upon land reclassification involving Council accepting ownership of 1255m² of land being part of Lot 301 DP

1041577 and ultimately transferring 392.35m² being Part lot 10, DP 575555 to the Diocese.

2. That the Administrator and General Manager be authorised to execute all relevant documentation under Council seal.

14. Items for Information

14.1 Investments (9283929)

67 RESOLVED:

That the Item for Information be formally noted.

12.3 Community Planning & Strategies Division

Nil

12.4 Shell Cove Business Division

Nil

15. Notices of Rescission/Alteration Motions

Nil

16. Notices of Motion

Nil

17. Questions on Notice

Nil

18. Urgent Business

Nil

19. Committee of the Whole in Closed Session: Adjournment

Nil

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

Nil

21. Consideration of Motions to Declassify Reports Considered in Closed Session

Nil

Meeting closed 4.12 pm