

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 11 May 2010 commencing at 3.02 pm**

Present

Administrator

Mr D Jesson

In attendance

Director of Community Planning & Strategies	P O'Rourke
Director of Operations & Services	A Webster
Director Shell Cove Business Unit	P Woodcock
Manager Executive Services / Public Officer	F MastroDomenico
Group Manager Community Services	M Forland
Group Manager Development & Tech Services	M Boenisch
Group Manager Corporate Planning	P Masterson
Group Manager Corporate Services	T Gearon
Group Manager Planning Services	G Hoynes (part)
Corporate Solicitor	B McCann
Manager Property	D Flanagan
Manager Finance Services	P Henderson (part)
Manager Development Services	G Meredith (part)
Manager Media & Communications	N East (part)
Media Officer	R Payne
Senior Strategic Planner	C Lappin (part)
Community Planner	J Brady
Executive Assistant	D Arney
Executive Assistant	J Frasca
Executive Assistant to Public Officer	M Olsen (part)
Corporate Planning Officer	S Basa (part)

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 usual advice regarding the webcasting of the meetings of the Council.

2. Confirmation of Minutes

2.1 Ordinary Meeting 20 April 2010

67 That the Minutes of the Ordinary Council Meeting held on 20 April 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

6. Condolences

The Administrator read details of the following deaths in the Local Government area.

Mrs Joyce Valda (Girlie) Allan	of	Albion Park
Mrs Maureen Mouttou	of	Albion Park
Mrs Kim Common	formerly of	Albion Park
Mrs Eva (Maher) Birdsall	of	Albion Park Rail

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Mrs Margaret Herbert	of	Albion Park Rail
Mrs Myrtle (Stone) Hurry	of	Albion Park Rail
Mr Veikko Olavi Kolehmainen	formerly of	Albion Park Rail
Mr Alfons (Alf) Mazurowski	of	Balarang
Mrs Hilda May Beaumont	of	Barrack Heights
Mr John Francis Roberts	of	Barrack Heights
Mr Stanley Mervin Johnson	of	Calderwood
Mrs Josephine (Josie) Breasley	of	Lake Illawarra
Mrs Jan Thompson	of	Mt Warrigal
Mrs Edith Margaret Bulawski	of	Oak Flats
Mrs Gisela Linde	formerly of	Oak Flats
Mrs Fay Margaret Barker (Nee Hill)	of	Shell Cove
Mrs Ruth Elaine Evans	of	Shellharbour
Mr Thomas George Jeffery	of	Shellharbour
Mr Peter James (Hogi) Hogben	of	Warilla
Mrs Nancy Ruth Ryan (Formerly Higson)	of	Warilla
Mrs Edna May Lewis (Nee Mullaly, formerly Langley)	formerly of	Warilla
Mrs Regina Mikulec	formerly of	Warilla

68 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 General Manager: Retirement	Bernie Payne Sonya McKay Sue Moran Helen Stewart Peter Moran

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Agenda Item No & Title	Name
12.1.1 Management Plan Review for the Quarter Year Ended 31 March 2010	Sonya McKay
12.1.2 March 2010 Quarter Budget Review	Bernie Payne Peter Moran
12.2.3 Shellharbour Arts and Exhibition Centre: Acceptance of Grant	Bernie Payne
12.2.7 Part Lot 2001 DP 1132715 Illawarra Regional Airport, Airport Road, Albion Park Rail: Renewal of Lease Agreement with Lloyd Off-Shore Helicopters trading as CHC Helicopters Australia	Sonya McKay
12.2.8 Part Keith Hockey Oval, Boolwarroo Parade, Shellharbour: Proposed Licence Agreement - Personal Training - Stephen Staff	Peter Moran
12.2.11 Albion Park Youth and Community Care Centre, Albion Park Rail Community Centre and Warilla Community Centre: Proposed Licence Agreements	Danna Nelse Marlene Calleja
12.3.2 Whittaker Street Basketball Court, Flinders	John Gorman

8. Adjournment – Consideration of Addresses to Council (meeting not to resume until 4.30pm at the earliest)

- 69 RESOLVED: That the Council meeting be adjourned to enable it to consider matters raised during Addresses to Council.

Meeting adjourned at 4.07pm

Meeting resumed at 5.21pm

9. Administrator's Statements / Reports / Presentations

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

11. Administrator's Minutes

11.1 General Manager: Retirement (9291005)

70 RESOLVED:

1. That Mr Weir's decision not to seek a renewal of his contract of employment as General Manager be noted with extreme regret and Council agree to extend his term to 27 August 2010.
2. That the Council place on record its sincere gratitude on behalf of the Shellharbour community for Mr Weir's extraordinary record of public service in the following capacities and periods:
 - General Manager 1993 - 2010
 - Town Clerk 1985 - 1993
 - Chief Clerk 1978 - 1985
 - Assistant Accountant 1973 - 1978
3. That an appropriate letter of thanks for his service to the Council and the Shellharbour community be prepared and forwarded to Mr Weir and further that the letter include his achievements recorded in the report to this Minute amongst the many others.
4. That information regarding the recruitment, selection and appointment of a suitable replacement contained in the report to this Minute be noted.
5. That the Administrator put in place suitable and appropriate arrangements to ensure a seamless transition of authorities to the person replacing Mr Weir as General Manager specifically including:
 - The Shell Cove Project (ensuring that no duplication of workload or payment occurs).
 - Continuation or initiation of matters commenced arising from Mr Weir's time as General Manager including the appointment of appropriate professionals.
6. That Council note its disappointment that at a time when Council's General Manager has chosen to tender his resignation from public office and conclude a highly successful career which has been recognised through

the award of the Public Service Medal - that some took the opportunity provided today to be critical of him due to their conflicts with him.

12. Reports

12.1 General Manager's Office

12.1.1 Management Plan Review for the Quarter Year Ended 31 March 2010 (9284755)

71 RESOLVED:

That the report be received, noted and endorsed.

12.1.2 March 2010 Quarter Budget Review (9269533)

72 RESOLVED:

1. That Council adopt the March 2010 Quarter Budget Review with all new items as contained in this report resulting in a revised budget surplus for the year ended 30 June 2010, of \$306,825
2. That the Southern Rivers Catchment Management Authority Caring for our Coasts Community Grant listed in the new items section of this report be accepted.

12.2 Operations & Services Division

12.2.1 Establishment of an Independent Development Assessment Panel (IDAP) (9287892)

73 RESOLVED:

1. That the Council establish an Independent Development Assessment Panel (IDAP).
2. That the Council endorse the preferred title of IDAP, noting that the Panel is not an Independent Hearing Assessment Panel (IHAP) established under the Act.
3. That Council continue to liaise with Wollongong City Council to utilise the Panel Members established by that Council for the purposes of its IHAP and the proposed Shellharbour City Council IDAP.

4. That the Council endorse the IDAP Policy, IDAP Code of Conduct and Memorandum of Understanding concerning the appointment of Panel members attached to this report.

12.2.2 Capital and Stormwater Service Charge Works - 2010/2013: Forward Program (9290437)

74 RESOLVED:

That the Council adopt the draft three year citywide Forward Capital Works, the Main Roads Network and the Stormwater Service Charge Programs, 'Attachments 1, 2 & 3', in this report subject to any future amendment in conjunction with the annual review of the Program and Council's budget considerations.

12.2.3 Shellharbour Arts and Exhibition Centre: Acceptance of Grant (9286827)

75 RESOLVED:

1. That Council accept the grant of \$387,000 from the Commonwealth Government under its Regional & Local Community Infrastructure Program for the Shellharbour Arts and Exhibition Centre project.
2. That the General Manager be authorised to sign the funding agreement.
3. That the budget be amended accordingly.

12.2.4 Tender 2010/2: Laying of Pavers & Associated Work - Destination Albion Park Project (9293830)

76 RESOLVED:

That the Council accept the schedule of rates tender of RJ & PS Smith Pty Ltd for laying of pavers and associated work for the Destination Albion Park Project as specified in Tender 2010/2 at an estimated value of \$327,125.

12.2.5 GST Certificate (9291785)

77 RESOLVED:

That Council make the GST Certificate (as attached) and approve the application of the signatures by the Administrator and the General Manager to that Certificate, as is required for GST compliance.

12.2.6 Lot 2, DP 1129981, Tongarra Road, Albion Park (Mood Park): Proposed Easement over Community Land for Construction of a Padmount Substation

78 RESOLVED:

1. That Council commence the process, including advertising, to create an easement and restriction zone at Lot 2 DP 1129981, Tongarra Road, Albion Park (Mood Park) for the construction of a Padmount Substation.
2. That provided no submissions are received, Council create the easement and restriction zone for the construction of a Padmount Substation at Lot 2, DP 1129981, Tongarra Road, Albion Park.
3. That in the event that any submissions are received as a result of the exhibition process Council will take these submissions into consideration before granting the easement and restriction zone.
4. That the Administrator and General Manager be authorised to execute the Easement and restriction zone Plan and associated documentation, under Council Seal.

12.2.7 Part Lot 2001 DP 1132715 Illawarra Regional Airport, Airport Road, Albion Park Rail: Renewal of Lease Agreement with Lloyd Off-Shore Helicopters trading as CHC Helicopters Australia (9289086)

79 RESOLVED:

1. That Council acknowledge the Option of Lloyd Off-Shore Helicopters trading as CHC Helicopters Australia and renew the lease agreement for the occupation of land at Illawarra Regional Airport, Airport Road, Albion Park Rail for a period of one year at an annual rental of \$5,446.01 plus GST.
2. That the Administrator and General Manager be authorised to execute the lease agreement and any associated documents, under the Seal of Council.

12.2.8 Part Keith Hockey Oval, Boolwarro Parade, Shellharbour: Proposed Licence Agreement - Personal Training - Stephen Staff (9290565)

80 RESOLVED:

1. That Council commence the formal process to enter into a 12 month trial licence agreement with Stephen Staff, for the use and occupation of part of Keith Hockey Oval as defined on the attached aerial photograph (Attachment 1), including public exhibition of the proposal.

2. That provided no submissions are received, Council enter into a 12 month trial licence agreement with Stephen Staff for the use and occupation of part of Keith Hockey Oval as defined on the attached aerial photograph (Attachment 1), at an annual rental of \$1,500.00 plus GST, with the hours of operation to be limited to 6.00 am to 9.00 am Tuesdays and Fridays.
3. That the Administrator and General Manager be authorised to sign the licence agreement, under Council Seal.

12.2.9 SMARTS Centre, 2 Wilga Close, Albion Park Rail: Proposed Licence Agreement - Enn Muller (9290422)

81 RESOLVED:

1. That Council enter into a licence agreement with Enn Muller for a term of five years for the SMARTS Centre, 2 Wilga Close, Albion Park Rail at an annual rental of \$100.00 plus GST to be increased annually by CPI. The days of occupation are to be specified in the agreement as every Monday night from 6.00 pm to 9.00 pm and every Friday from 10.00 am to 1.00 pm.
2. That the Administrator and General Manager be authorised to execute the licence agreement and associated documentation in relation to the licence agreement, under Council Seal.

12.2.10 Lot 303 DP 1051235 Myimbarr Community Park Wattle Street Flinders: Proposed Licences - Lake Illawarra Little Athletics Association, Football South Coast, Oztag Wollongong (9290742)

82 RESOLVED:

1. That Council commence the formal process to enter into 12 month licence agreements with Lake Illawarra Little Athletics Association, Football South Coast and Oztag Wollongong including advertisement of the proposals.
2. That provided no submissions are received, Council enter into 12 month licence agreements with Lake Illawarra Little Athletics Association, Football South Coast and Oztag Wollongong for the occupation of buildings as defined on the attached diagram (Attachment 1), at an annual rental of \$1,000.00 or \$500.00 per sporting season.
3. That the Administrator and General Manager be authorised to sign the licence agreements, under Council Seal.

12.2.11 Albion Park Youth and Community Care Centre, Albion Park Rail Community Centre and Warilla Community Centre: Proposed Licence Agreements (9291962)

83 RESOLVED:

1. That Council enter into a 10 year licence agreement with the Albion Park Youth and Community Care Centre Incorporated for the occupation of the buildings situated within Lot 1 DP 743025 being the Albion Park Community Hall with an annual rental of \$100.00.
2. That Council enter into a 10 year licence agreement with The Rail Neighbourhood Association Incorporated for the occupation of the buildings situated within Lot 1 DP 227447 being The Rail Community Centre with an annual rental of \$100.00.
3. That Council enter into a 10 year licence agreement with the Warilla Neighbourhood Centre Incorporated for the occupation of the buildings situated within Lot 11 DP 1125335 being the Warilla Community Centre Incorporated with an annual rental of \$100.00.
4. That the Administrator and General Manger be authorised to execute all associated documents in relation to the licence agreements between Shellharbour City Council and the Albion Park Youth and Community Care Centre, The Rail Neighbourhood Association and the Warilla Neighbourhood Centre under Council Seal.

12.3 Community Planning & Strategies Division

12.3.1 Adoption of Shellharbour Open Space, Recreational and Community Facilities Needs Study, Design Guidelines and Prioritisation Criteria (9261830)

84 RESOLVED:

1. That Council adopt the Shellharbour Open Space, Recreational and Community Facilities Needs Study, Design Guidelines and Prioritisation Criteria as a strategic policy basis for:
 - a) the review of Council's
 - Local Environmental Plans
 - Development Control Plans
 - Section 94 Plan
 - Community Land Plans of Management
 - b) the preparation of Council's
 - Comprehensive City Wide Local Environmental Plan
 - Comprehensive City Wide Development Control Plan

- Community Infrastructure Plans
 - Development Contributions Plans
 - Asset Management Strategy and Plans, and
 - Community Facilities Management Policy
- c) informing development proposal/application conceptualisation and assessment.
- d) meeting the functional and policy requirements of the Integrated Planning & Reporting initiative contained in the Local Government Act.

12.3.2 Whittaker Street Basketball Court, Flinders (9294971)

85 RESOLVED:

1. That Council retain the basketball court at Whittaker Street, Flinders; and
2. That Council continue to investigate a number of modifications and engagement opportunities to reduce the impact on local residents, including:
 - Targeted engagement with the users of the basketball court facility
 - Installation of signs requesting court users to be considerate of surrounding neighbours; and
 - Investigate alternative fencing and/or screening of court boundaries, and consider repositioning the hoop and backboard.
3. That the issue of vehicle speed and parking in the vicinity of the Whittaker Street Basketball Court be referred to the Traffic Committee for review and recommendation.

12.3.3 Cultural Diversity Policy (9294946)

86 RESOLVED:

That Council adopt the Shellharbour City Council Cultural Diversity Policy for implementation.

12.4 Shell Cove Business Division

Nil

13. Committee Recommendations

Nil

14. Items for Information

15. Notices of Rescission/Alteration Motions

Nil

16. Notices of Motion

Nil

17. Questions on Notice

18. Urgent Business

Nil

19. Committee of the Whole in Closed Session: Adjournment

Nil

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 5.51 pm