

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

**held at the Council Administration Centre, Shellharbour City Centre  
on Tuesday 22 June 2010 commencing at 3.04pm**

**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
Manager Executive Services / Public Officer	F MastroDomenico
Manager Media & Communications	N East (part)
Media Officer	R Payne
Corporate Solicitor	B McCann
Group Manager Development & Technical Services	M Boenisch
Group Manager Corporate Services	T Gearon
Group Manager Corporate Planning	P Masterson (part)
Manager Development Services	G Meredith (part)
Property Manager	D Flanagan (part)
Manager Finance	P Henderson (part)
Group Manager Planning Services	G Hoynes (part)
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**

**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 1 June 2010**

107 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 1 June 2010 as circulated be taken as read and confirmed as a correct record of proceedings.

**2.2 Extraordinary Meeting 8 June 2010**

108 RESOLVED:

That this item be considered later in the meeting following the Adjournment to consider Addresses to Council (see Minute No 111)

**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 Alan George 'Stevo' Stevenson	of	Albion Park
Mrs Glennice Elizabeth Penn	of	Albion Park
Mr Nikolce (Chich) Blazevski	of	Albion Park
Mr Leonard (Len) Webb	of	Albion Park Rail
Mrs Kerry Anne Bayo (Nee Murray)	of	Albion Park Rail
Mrs Anica Talevska	of	Barrack Heights
Mr Walter William (Wally) Inskip	of	Lake Illawarra
Mr Peter Steele	formerly of	Mt Warrigal
Mrs Patricia Garratt	of	Oak Flats
Mrs Stana (Stella) Markovic	of	Oak Flats
Mrs Norma Kawelmacher	of	Shellharbour
Mr Tom Cvetkovski	formerly of	Shellharbour
Mrs Ida Joyce Austin (Nee Simpson)	of	Warilla
Mrs Janet Malcolm	of	Warilla
Mrs June Miles	of	Warilla
Mrs Norma Viles (OAM)	formerly of	Warilla
Mrs Norma Healey	of	Warilla
Mrs Veronica Orr	of	Warilla
Mr David John Edwards	formerly of	Warilla

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

**7. Addresses to Council**

<b>Agenda Item No &amp; Title</b>	<b>Name</b>
2. Introduction of Minutes 2.2 Extraordinary Meeting of 8 June 2010	Sonya McKay
12.1.1. Introduction of the Government Information (Public Access) Act 2009 and associated actions required	Sonya McKay Sue Moran
12.2.5. Tender 2010/10 - Golf Cart Financing	Peter Moran Sue Moran (withdrew)

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

110 RESOLVED:

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

**Meeting adjourned at 3.24pm**

**Meeting resumed at 4.03pm**

**2. Confirmation of Minutes****2.2 Extraordinary Meeting 8 June 2010**

111 RESOLVED:

That the Minutes of the Extraordinary Council Meeting held on 8 June 2010 as circulated be taken as read and confirmed as a correct record of proceedings.

**9. Administrator's Statements / Reports / Presentations**

Nil

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

Nil

**11. Administrator's Minutes**

Nil

**12. Reports**

RESOLVED: That Item Nos 12.1.2, 12.2.2, 12.2.3, 12.2.4, 12.2.6, 12.2.7, 12.2.8, 12.2.9, 12.3.1, 12.3.2, 13.1 be adopted as follows:

**12.1 General Manager's Office**

**12.1.2 Monthly Investment Report (9312703)**

112 That Council receive and note the attached Investment Portfolio report, as at 31 May 2010.

**12.2 Operations & Services Division**

**12.2.2 Tender 2010/9 - Design, Supply and Installation of Gross Pollutant Trap and Associated Access Driveway in the Unnamed Reserve, off Devonshire Crescent, adjacent to Oakey Creek, Oak Flats (9316077)**

113 That the Council, as Principal, engage Roadworx Civil Pty Ltd to carry out the design, supply and installation of a gross pollutant trap and associated access driveway, in the unnamed reserve off Devonshire Crescent, adjacent to Oakey Creek, Oak Flats to the sum of \$162,495.45 exclusive of GST.

**12.2.3 Tender 2010/18 Destination Albion Park Installation of Underground Electrical Conduits for Tongarra Road Between Terry Street and Halket Lane Albion Park (9319561)**

114 That the Council accept the lump sum tender of \$254,379 from Carmine Industries Pty Ltd for Stage 2 of the Installation of Underground Conduits for Tongarra Road.

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### 12.2.4 Tender 2010/11 - Supply and Delivery of a Bulldozer (9320022)

- 115
1. That the Council accept the tender from Westrac Pty Ltd for the supply of a second hand Caterpillar D7R Bulldozer (Serial No AEC00873) at the tendered price \$395,000 on the basis that the assessed condition of the delivered machine matches the description detailed in the tender.
  2. That Council's Caterpillar D8L Bulldozer be disposed of at a suitable Heavy Plant Auction.
  3. That the changeover cost of the Council's Bulldozer at the Dunmore Waste Depot be funded from Council's Sand Mine Restricted Fund.
  4. That these adjustments be considered in the adoption of the 2010/2011 Budget.

### 12.2.6 Requests for Donation (9318473)

116 That Council donate the following donations/contributions totalling \$4,450:

1. Shellharbour Garden Club Inc.  
- offset costs for use of Shell Cove Community Centre \$300
2. Combined Pensioners Association  
- Christmas lunch for local members \$350
3. Healthy Cities Illawarra  
- Volunteers Awards Ceremony \$500
4. Australian Seabird Rescue South Coast  
- Seabird rescue and rehabilitation \$500
5. United Koori Elders Social Group  
- Support members attendance at Mini Olympics Social Day \$500
6. Illawarra Koori Men's Support Group Inc.  
- NAIDOC Community Bowls Day \$500
7. Shellharbour City Baptist Church Assist  
- Material aid for disadvantaged local residents \$1,500
8. Tullimbar Public School  
- Book vouchers for end of year presentations \$300

**12.2.7 Lot 10 to 12 DP 700658 - Renewal of Sub Lease to the Illawarra Childrens Services - Barrack Heights Childrens Centre (9306113)**

- 117
1. That Council enter into a sub - lease agreement with Illawarra Children's Services for a term of 10 years, for the occupation of the building situated on Lots 10 to 12 DP 700658 in Carrington Street Barrack Heights, for an annual rental of \$1,000.00.
  2. That the Administrator and General Manager be authorised to execute all associated documentation under Council Seal.

**12.2.8 Lot 2 DP 1129981 (Mood Park) Tongarra Road, Albion Park - Proposed Easement over Community Land for Construction of Pad - mount Station (9319135)**

- 118
1. That the Council make an application to the Minister of the Division of Local Government, Department of Premier and Cabinet for consent to grant the proposed easement over Community Land being Lot 2 DP 1129981 for the construction of a pad - mount station and restriction zone.
  2. That the Administrator and General Manager be authorised to execute all associated documentation under Council Seal.

**12.2.9 Community Land Plans of Management (9319138)**

- 119
- That Council adopt the Draft Plans of Management for Community Land listed in the report.

**12.3 Community Planning & Strategies Division**

**12.3.1 Draft Shell Cove Development Control Plan Amendment 8 (9313060)**

- 120
1. That Council prepare draft Shell Cove Development Control Plan (Amendment 8) in accordance with Section 74C of the *Environmental Planning & Assessment Act*.
  2. That Council exhibit the draft Shell Cove Development Control Plan for a minimum of 28 days and in accordance with the Community Engagement Policy.
  3. That Council require a report back to Council after the exhibition period has closed that includes a summary of submissions received and staff comments in relation to issues raised in any submissions.

4. That Council rescind Min No. 717 of 17 December 1996 and amend Shell Cove Development Control Plan to require all Development Applications to be assessed by the Shell Cove architect before they are lodged with Council.

**12.3.2 Interim Heritage Order on 119 Little Lake Crescent, Warilla (9322055)**

- 121
1. That Council request the applicant to discontinue the Land and Environment Court proceedings in relation to the Interim Heritage Order and deemed refusal of Development Application.
  2. That Council determine the development application for the demolition of the existing dwelling house and the construction of the new dwelling including conditions requiring adequate archiving of the existing dwelling.

**13. Committee Recommendations**

**13.1 Recommendations from the Traffic Committee Meeting held 2 June 2010 recommended for adoption.**

- 122 That the Recommendations from the Traffic Committee Meeting held 2 June 2010 be adopted.

**12.1 General Manager's Office**

**12.1.1 Introduction of the Government Information (Public Access) Act 2009 and associated actions required (9320788)**

123 RESOLVED:

1. That Council receive and note the information provided in relation to the introduction of the *Government Information (Public Access) Act 2009* on 1 July 2010.
2. That Council adopt the Publication Guide which will be published on Council's Website from 1 July 2010, as required in accordance with the provisions of Section 20 of the *Government Information (Public Access) Act 2009*.
3. That Council adopt the amended Access to Council Information - Under the Provisions of the Government Information (Public Access) Act 2009 Policy, which was amended to reflect the changes required after the introduction of the *Government Information (Public Access) Act 2009* with the addition of a penalty clause as indicated in the Act and Officer of the Information Commissioner Guideline Clause 10.3.



4. That Council acknowledge that the Public Officer has been appointed (by the General Manager) as Council's Right to Information Officer as referred to in the *Government Information (Public Access) Act 2009*. The Public Officer will ensure compliance with and be responsible for the administration of the GIPAA legislation on behalf of the Council.

## **12.2 Operations & Services Division**

### **12.2.1 Poplar Avenue Extension: Acceptance of Grant Funding (9310770)**

124 RESOLVED:

1. That the Council endorse the Administrator's acceptance of \$20,000 from the RTA toward the Poplar Avenue extension.
2. That the budget be amended accordingly.

### **12.2.5 Tender 2010/10 - Golf Cart Financing (9319034)**

125 RESOLVED:

1. That Council decline to accept any of the tenders submitted for (Tender no 2010/10) the Golf Cart Financing Facility.
2. That Council internally finance the purchase of the Golf Carts for the amount of \$466,710 (GST Excl), with the golf course budget repaying the funds and interest back to Council's unrestricted reserves, over a four year period.
3. That these adjustments be included in the adoption of the 2010/11 Budget.

## **12.4 Shell Cove Business Division**

Nil

## **14. Items for Information**

Nil

## **15. Notices of Rescission/Alteration Motions**

Nil

## **16. Notices of Motion**

Nil

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**17. Questions on Notice**

Nil

**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 4.23 pm**