

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 20 July 2010 commencing at 3.03 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 (part)
Manager Executive Services / Public Officer	F MastroDomenico
Group Manager Corporate Services	T Gearon
Group Manager Development & Technical Services	M Boenisch
Corporate Solicitor	B McCann
Manager Development Services	G Meredith (part)
Manager Property	D Flanagan
Development Assessment Officer	R Welsh (part)
Media Officer	R Payne
Executive Assistant	D Arney
Executive Assistant	J Frasca

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 22 June 2010

129 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 22 June 2010 as circulated be taken as read and confirmed as a correct record of proceedings.

2.2 Extraordinary Meeting 24 June 2010

130 RESOLVED:

That the Minutes of the Extraordinary Council Meeting held on 24 June 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

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6. Condolences

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

Mr Arthur William Reed	of	Albion Park
Mrs Cornelia Andrea Feberwee	of	Albion Park
Mrs Karin Stevenson (Nee Komrowski)	of	Albion Park
Mr Stuart Woodford	of	Albion Park
Mr Douglas Lang McRae	formerly of	Albion Park
Mr John (Jack) Greenwood	of	Albion Park Rail
Mrs Joyce Wilson (Jeffrey)	of	Albion Park Rail
Mrs Leonie Teresa Macleod	of	Albion Park Rail
Dr Rene Edgar Howe	of	Albion Park Rail
Mr Rex (Robert) Miller	of	Albion Park Rail
Mr Ray Haskins	formerly of	Albion Park Rail
Mr Ian Robert Jarrett	of	Barrack Heights
Mr James Caleb Homer	of	Barrack Heights
Mr Jose Velozo	of	Barrack Heights
Mrs Betty Joyce Harris	of	Blackbutt
Mr Cecil William (Cec) Bland	of	Flinders
Mr Alan Hancock	of	Lake Illawarra
Mr Colin Roffe	of	Lake Illawarra
Mr Leo Thomas Brown	of	Lake Illawarra
Mr Leslie (Les) Dwyer	of	Lake Illawarra
Mrs Alice Constance (Connie) Green	of	Mt Warrigal
Mr Ron Chapman	of	Mt Warrigal
Mr Tome Markovski	of	Mt Warrigal
Mr David Hagar	of	Oak Flats

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Mrs Johanna Hezemans	of	Oak Flats
Mrs Laura Berglund	of	Oak Flats
Mr Michael Doubleday	of	Oak Flats
Mrs Reeta Heleneva	of	Oak Flats
Mr Richard (Dick) Hall	of	Oak Flats
Mrs Sylvia Doreen Ralph	of	Oak Flats
Mr Bill Drysdale	of	Shell Cove
Mrs Norma Beryl Gamble	of	Shellharbour
Mr Ivor Ralphs	formerly of	Shellharbour
Mr Matthew Anthony Phair	formerly of	Shellharbour
Mr Maurice Eugene Marshall	formerly of	Shellharbour
Mrs Patricia Mary Rogers (Nee Brennan)	formerly of	Shellharbour
Mrs Clara Bancroft (Nee Haigh)	of	Warilla
Ms Colleen Cotter	of	Warilla
Mrs Gloria Paule-Font	of	Warilla
Mrs Irma Zwilling	of	Warilla
Mr John Boardman	of	Warilla
Mrs Maria Dumbovic	of	Warilla
Mrs May White	of	Warilla
Mr Raymond Malcolm	of	Warilla

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

7. Addresses to Council

Agenda Item No & Title	Name
12.2.1 DA No. 102/2010 - Lot 8012, DP 1019349, 73 Jindabyne Road, Flinders and Lot 1, DP 1034595, 75 Jindabyne Road, Flinders: Alterations To The Existing Dwelling and Car Park, Change of Use to Doctor's Surgery and Associated Pharmacy and Signage	1. Jacqueline Graf 2. Andrew Erlik 3. Neil Cosgrove
12.2.7 32 Robyn Road, Albion Park Rail: Renewal of Lease with Illawarra Area Child Care Limited for the operation of Alunga Child Care Centre	Peter Moran (not present)
12.2.8 43 - 45 Griffiths Street, Oak Flats: Proposed Licence Renewal to Oak Flats Senior Citizens Club Incorporated	Peter Moran (not present)
16.1 Notice of Motion: Authority under Section 41(2)(b) of the Freedom of Information Act	Sonya McKay (not present)
16.2 Notice of Motion: Tongarra Road, Albion Park and Extension of Poplar Avenue, Albion Park Rail	1. Bob Harrison 2. Sonya McKay (not present)

The Administrator noted that Ms Sonya McKay and Mr Peter Moran, who were listed to speak in Addresses to Council, were not present in the gallery.

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

132 RESOLVED:

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

Meeting adjourned at 3.34pm

Meeting resumed at 4.12pm

9. Administrator's Statements / Reports / Presentations

Nil

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

Nil

11. Administrator's Minutes

Nil

12. Reports

12.1 General Manager's Office

12.1.1 Monthly Investment Report (9337248)

133 RESOLVED:

That Council receive and note the attached Investment Portfolio report, as at 30 June 2010.

12.2 Operations & Services Division

12.2.1 DA No. 102/2010 - Lot 8012, DP 1019349, 73 Jindabyne Road, Flinders and Lot 1, DP 1034595, 75 Jindabyne Road, Flinders: Alterations To The Existing Dwg and Car Park, Change of Use to Doctor's Surgery and Associated Pharmacy and Signage (9331090)

134 RESOLVED:

That this Item be deferred to the next scheduled Ordinary Meeting of Council for further report to address issues raised during public addresses in particular those matters relating to carparking, the car park and traffic movements.

12.2.2 2010/2011 Regional Roads Block Grant (9335518)

135 RESOLVED:

1. That the Council accept the RTA's offer of \$181,000 for funding the 20010/2011 Regional Roads Block Grant.
2. That the Council accept the RTA's grant offer of \$41,000 to accelerate works on Terry Street, Albion Park.
3. That authority be given to execute all necessary documents, including use of the Council Seal as required, in relation to this grant.
4. That Council's budget be amended accordingly.

12.2.3 Illawarra Biodiversity Strategy: Draft For Exhibition (9334005)

136 RESOLVED:

That the Council publicly exhibit the Draft Illawarra Biodiversity Strategy for a period of 28 days and seek public submissions in that period for consideration.

12.2.4 2010/2011 Roads to Recovery Program (9334583)

137 RESOLVED:

1. That the Council confirms the 2010/2011 Roads to Recovery program as detailed in this report.
2. That the budget be amended accordingly.

12.2.5 45A Princes Highway, Albion Park Rail: Affix of Council Seal to Agreement between Shellharbour City Council and M & T Properties Pty Ltd (9309151)

138 RESOLVED:

That Council affix the Seal of Council to the legal agreement between Shellharbour City Council and M & T Properties for the purpose of binding M & T Properties, its heirs and successors in Title to the dedication to Council of that portion of 45A Princes Highway, Albion Park Rail (being 20.00 metres wide) zoned Local Road Reservation, at no cost to Council.

12.2.6 Lot 1522 DP 11255453 - Upgrade of Electricity Network & Creation of Easement - Tullimbar (9333338)

139 RESOLVED:

That:

1. Council approve the proposed upgrade of the electricity network;
2. Council consent to the creation of an easement for electricity purposes;
3. The Administrator and General Manager be authorised to sign and execute all necessary documentation in relation to the easement;
4. Council require the following conditions of agreement to the electricity upgrade and easement creation:
 - a. That Council incur no expenses in relation to the electricity upgrade and easement creation including civil works, Integral Energy fees and charges, surveyors fees, legal expenses and plan registration fees;
 - b. At the completion of the works the land is to be reinstated to its original state;
 - c. Boundary fencing is to be maintained except for vehicle access to the site. Access controls shall be in place so there is no unauthorised access during and after the construction phase.
 - d. Council shall be provided with construction plans, Works as Executed plans and survey plans as soon as available.
 - e. The electricity upgrade shall be designed and constructed so that no alteration or reconstruction is required when road works take place over proposed Road No 2.

12.2.7 32 Robyn Road, Albion Park Rail: Renewal of Lease with Illawarra Area Child Care Limited for the operation of Alunga Child Care Centre (9321182)

140 RESOLVED:

1. That Council renew the lease agreement with Illawarra Area Child Care Limited for the occupation of 32 Robyn Road, Albion Park Rail for a further term of twenty-one years at an annual rental of \$1,000.00 plus GST increased annually by CPI and reviewed by market rent every 5 years. The terms and conditions of the new lease are to be similar to the current lease agreement.
2. That the Administrator and General Manager be authorised to sign the lease agreement and any associated documentation under Council Seal.

12.2.8 43 - 45 Griffiths Street, Oak Flats: Proposed Licence Renewal to Oak Flats Senior Citizens Club Incorporated (9317381)

141 RESOLVED:

1. That Council enter into a new licence agreement with Oak Flats Senior Citizens Club Incorporated for the use and occupation of the building located at 43 - 45 Griffiths Street, Oak Flats for a further five year term at an annual rental of \$100.00 plus GST to be increased annually by CPI.
2. That the Administrator and General Manager be authorised to sign and affix the Seal of Council to any documentation associated with the licence agreement.

12.3 Community Planning & Strategies Division

12.3.1 Safer Public Places: Acceptance of Grant (9332809)

142 RESOLVED:

That Council accept the grant of \$15,628 from the NSW Attorney General's Department Crime Prevention Division for the 'Safer Public Places' project and amend the budget accordingly.

12.4 Shell Cove Business Division

Nil

13. Committee Recommendations

13.1 Recommendations from the Extraordinary Aboriginal Advisory Committee Meeting held 21 June 2010 recommended for adoption.

143 RESOLVED:

That the Recommendations from the Extraordinary Aboriginal Advisory Committee Meeting held 21 June 2010 be adopted.

13.2 Recommendations from the Traffic Committee Meeting held 7 July 2010 recommended for adoption.

144 RESOLVED:

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

14. Items for Information

Nil

15. Notices of Rescission/Alteration Motions

Nil

16. Notices of Motion

16.1 Notice of Motion: Authority under Section 41(2)(b) of the Freedom of Information Act (9334529)

145 RESOLVED:

In relation to matters not finally concluded under Freedom of Information legislation at 30 June 2010, Council's Public Officer be authorised to deal with applications to amend the Council's records under section 41(2)(b) of the *Freedom of Information Act 1989* in the event that the General Manager is unable to fulfil that role as provided for by section 41(2)(a) of the Act and further that in the event that both the General Manager and the Public Officer are unable to fulfil that role that the Council's Solicitor be so authorised. This Delegation is made pursuant to Section 381(2) of the *Local Government Act 1993*.

16.2 Notice of Motion: Tongarra Road, Albion Park and Extension of Poplar Avenue, Albion Park Rail (9336760)

146 RESOLVED:

That Council:

A. with respect to Tongarra Road, Albion Park:

1. join with Local Member Mr. Matt Brown, the Albion Park community, the Albion Park Chamber of Commerce and more recently Members of the Opposition in their calls to have the RTA remove the median strip and fencing recently constructed in Tongarra Road, Albion Park;
2. write directly to the Minister for Roads:
 - a. requesting that the recently constructed median strip and fence be removed immediately and replaced with interim alternative pedestrian and vehicular safety measures;
 - b. requesting that the design for the widening of Tongarra Road, Albion Park (such design to be complementary to the Destination Albion Park works currently underway) be finalised and funding be provided to enable these works to be undertaken and completed during the 2011/2012 financial year;
 - c. formally recording Council's disappointment that the RTA proceeded with the construction of the median strip and fence, given the concern and opposition expressed by the Albion Park community, the Albion Park Chamber of Commerce, Local Member Mr. Matt Brown and the Council; and

B. with respect to the extension of Poplar Avenue, Albion Park Rail:

in support of the local community, representations already made by Local Member Mr. Matt Brown and in the spirit of community road safety seek a commitment from the Minister for Roads to approve the construction of the extension of Poplar Avenue to Airport Road, (on a dollar for dollar basis, during the 2011/12 financial year) and that a copy of the letter be forwarded to the RTA.

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 4.34 pm