

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 31 August 2010 commencing at 3.01 pm**

Present

Administrator

Mr D Jesson

In attendance

Acting General Manager

P O'Rourke

Acting Director of Operations & Services

M Boenisch

Acting Director of Community Planning & Strategies

P Masterson

Director Shell Cove Business Unit

P Woodcock

Manager Executive Services / Public Officer

F MastroDomenico

Group Manager Corporate Services

T Gearon

Council's Solicitor

B McCann

Group Manager Planning Services

G Hoynes

Manager Media & Communications

N East

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 10 August 2010

161 RESOLVED: That the Minutes of the Ordinary Council Meeting held on 10 August 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 Betty Joyce Bobko (Foristal)	of	Albion Park
Mr Craig (Jack) McLaughlin	of	Albion Park
Mrs Jennifer Waugh (Nee Steel-Wilson)	of	Albion Park
Mrs Alfreda Marion Mitchell	of	Albion Park Rail

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Mr Heinz Bernhard Schnackenberg	of	Albion Park Rail
Mr Karl-Heinz Reinhard Pohl	of	Albion Park Rail
Mrs Betty Ruth Clark (Nee Hawkins)	of	Balarang
Mr Arthur Davies	of	Barrack Heights
Mrs Carmela Truncellito	of	Barrack Heights
Mr Sidney James Hort	of	Barrack Heights
Mr Brian John Marsh	of	Barrack Point
Mrs Marcia Potts (Nee Greentree)	of	Blackbutt
Mr David Rixon	of	Flinders
Mr Tomasz Gronski	of	Flinders
Mrs Beryl Leaudais	of	Lake Illawarra
Mrs Robyn Hegarty	of	Lake Illawarra
Mr Ronald James George Pavis	of	Lake Illawarra
Mrs Elsie Rose Gallop (Nee English)	formerly of	Mt Warrigal
Mr Michael (Savas) Constantinou	of	Mt Warrigal
Mrs Ann Elizabeth Murphy (Nee Willett)	of	Shellharbour
Mr Arthur Walter McLeay	of	Shellharbour
Mrs Jean Davies	of	Shellharbour
Ms Joyce Margaret Campbell	of	Shellharbour
Mr Gunther (Bubba) Wieck	of	Warilla
Mr Leonard Cecil James (Len) Northey	of	Warilla
Mr Peter John Borg	of	Warilla

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

7. Addresses to Council

The Administrator advised the meeting that one person had registered to address the meeting on three separate items, but that at the time of her registration the person indicated that she would not be able to attend the

meeting. The Administrator noted that the registrant was not present and that there would be no Addresses to the Council or adjournment of the meeting as a result.

8. Adjournment – Consideration of Addresses to Council

Nil

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 12.1.1, 12.1.2, 12.1.3, 12.1.4, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.3.1, 12.3.2 and 13.1 be adopted as follows:

12.1 General Manager’s Office

12.1.1 Management Plan Review for the Quarter Year Ended 30 June 2010 (9355306)

163 RESOLVED:

That the report be received, noted and endorsed.

12.1.2 June 2010 Quarter Budget Review (9359476)

164 RESOLVED:

That the report be received and noted.

12.1.3 2009/2010 Annual Financial Reports (9357568)

165 RESOLVED:

1. That Council make the Statements (as attached) and approve the application of the signatures of the Administrator and the Acting

General Manager to those statements, as required by Clause 215 of *the Local Government (General) Regulation 2005*.

2. That the Annual Financial Reports be formally referred for audit.

12.1.4 Monthly Investment Report (9356625)

166 RESOLVED:

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

12.2 Operations & Services Division

12.2.1 Draft Community Land Plan of Management - Lot 8 DP 1072916, Memorial Drive, Shellharbour City Centre: Proposed Advertising (9358073)

167 RESOLVED:

1. That in accordance with the *Local Government Act 1993 (s38)*, the draft Plan of Management for Community Land for Lot 8 DP 1072916 be placed on public exhibition for a period of not less than 28 days, but allowing a period of not less than 42 days after the date on which the draft plan is first placed on public exhibition, during which time submissions may be made to Council.
2. That following the public exhibition and submission stage, a further report be presented to Council for consideration of any submissions and the adoption or otherwise of the draft Plan of Management for Community Land for Lot 8 DP 1072916.

12.2.2 Shellharbour Men's Shed: Crown Reserve 84152 - Lot 76 DP751290 - 32A Addison Street Shellharbour - Proposed Licence Agreement (9357048)

168 RESOLVED:

1. That Council enter into a licence agreement with the Shellharbour Men's Shed Incorporated for the occupation of the building situated on Lot 76 DP 751290, being the Old Council Chambers at Addison Street, Shellharbour for a period of four years and 11 months, at an annual rental of \$413, pending the licence agreement being approved by the Minister for Lands.
2. That the Administrator and Acting General Manager be authorised to execute all relevant documentation under Council's seal.

12.2.3 Roo Theatre Company Incorporated, Addison Street Shellharbour, Part Lot 9 and Part Lot 10 DP 11740, Proposed renewal of Licence Agreement (9357593)

169 RESOLVED:

1. That Council enter into a licence agreement with the Roo Theatre Company Incorporated for the occupation of the building situated on Lot 10 DP 11740 at 12-14 Addison Street, Shellharbour, for a period of two years with a further one year option, with an annual rental of \$100.00 plus GST to be increased annually by CPI.
2. That the Administrator and Acting General Manager be authorised to execute all relevant documentation under Council's seal.

12.2.4 Warrigal Care Aged facility, Rowland Ave Mt Warrigal - Renewal of lease between Warrigal Care and Shellharbour City Council (9234683)

170 RESOLVED:

1. That Council commence the process to enter into a lease with Warrigal Care for the occupation of Lot 21 DP 1134603 in Rowland Ave, Mount Warrigal for the operation of an aged care facility.
2. Provided that no submissions are received during the exhibition period, that Council enter into a lease for a term of five years with an option of a further five years, for the occupation of Lot 21 DP 1134603 in Rowland Ave, Mt Warrigal at annual rental of \$21,000 plus GST to be increased annually subject to CPI.
3. That the Administrator and Acting General Manager be authorised to execute the lease documentation and other related documentation under Council Seal.

12.3 Community Planning & Strategies Division

12.3.1 Adoption of Shell Cove Development Control Plan (Amendment 8) (9511594)

171 RESOLVED:

1. That Council, in accordance with section 74C of the Environmental Planning & Assessment Act, adopt the Shell Cove Development Control Plan (Amendment 8) as attached to this report.

2. That an advertisement be placed in a local newspaper notifying the community of Council's decision to adopt the Shell Cove Development Control Plan (Amendment 8).

12.3.2 Destination Albion Park Concept Design Report and Concept Plans: use for development design and assessment (9513109)

172 RESOLVED:

1. That Council adopt the following elements of the Destination Albion Park Concept Design Report and subsequent Steering Committee modifications, for the purpose of planning/design guidelines for development assessment/ conceptualisation in Albion Park town centre being:
 - a. private and public domain paving on road reserve and properties adjoining (Steering Committee modifications - Attachment 1);
 - b. Russell Lane provisions, in terms of the potential for future commercial land uses to address the lane (Concept Design Report extract - Attachment 2);
 - c. Tongarra Road building setbacks from Concept Design Report extract - Attachment 3 (with the exception of the south west corner and north east corner of Terry Street/Tongarra Road which will be 2 metres) and the south east corner of Terry Street/Tongarra Road which will be as per development approval D504/2008 (minimum 1.8 metres) or 2 metres;
 - d. Tongarra Road future building and development typologies (extract from Concept Design Report - Attachment 4).
2. That Council include the provisions listed in part 1a to 1d (above) on Section 149(5) of Planning Certificates for land affected.

12.4 Shell Cove Business Division

Nil

13. Committee Recommendations

13.1 Recommendations from the Traffic Committee Meeting held 4 August 2010 recommended for adoption.

173 RESOLVED: That the Recommendations from the Traffic Committee Meeting held 4 August 2010 be adopted.

14. Items for Information

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

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 3.06 pm