

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

**held at the Council Administration Centre, Shellharbour City Centre  
on Tuesday 12 October 2010 commencing at 3.00 pm**

**Present**

Administrator

Mr D Jesson

**In attendance**

Acting General Manager	P O'Rourke
Director of Operations & Services	A Webster
Acting Director of Community Planning & Strategies	M Forland
Director Shell Cove Business Unit	P Woodcock (part)
Group Manager Corporate Services	T Gearon
Group Manager Corporate Planning	P Masterson (part)
Group Manager Customer & Environmental Services	G Standen (part)
Corporate Solicitor	B McCann
Manager Executive Services / Public Officer	F MastroDomenico
Manager Media & Communications	N East (part)
Waste Manager	N Feneley (part)
Manager Property	D Flanagan
Manager Financial Services	P Henderson (part)
Manager Development Services	G Meredith (part)
Acting Manager Design	B Short (part)
Senior Development Assessment Officer	C Bern (part)
Development Assessment Officer	V Nicholson (part)
Community Planner	J Brady (part)
Community Development Officer	M Lee (part)
Events & Communications Assistant	K Owers (part)
Executive Assistant	L Davey
Executive Assistant	D Arney

**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 21 September 2010**

192 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 21 September 2010 as circulated be taken as read and confirmed as a correct record of proceedings.

**2.2 Extraordinary Meeting 21 September 2010**

193 RESOLVED:

That the Minutes of the Extraordinary Council Meeting held on 21 September 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.

Mrs Peggy Highley	of	Albion Park
Mrs Phyllis Doreen Byrne	of	Albion Park
Mrs Dorothy Selina O'Neil	of	Albion Park Rail
Mr Thomas Clifford (Cliff) Bateson	of	Albion Park Rail
Mrs Yvonne Anne Kelly	of	Albion Park Rail
Mrs Barbara Mason	of	Barrack Heights
Mr Charles George (Charlie) Duren	of	Mt Warrigal
Mrs Dawn Elizabeth Core	of	Shellharbour
Mrs Marjorie Colyer	of	Shellharbour
Mrs Sandra Fay Payer	of	Shellharbour
Mrs Barbara Ann Hattenfels (Nee Ryan)	of	Warilla
Mr Bill Lambert	of	Warilla
Mrs Laurel Denton	of	Warilla
Mr Anton (Tony) Atie	of	Yellow Rock

194 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 224/2010 - Lot 2001, DP 1132715, Airport Road, Albion Park Rail - Seven Hangars and Associated Works	Phil Ayrton Sonya McKay (not in attendance)
12.2.5 From Kiama Municipal Council: Request for Shellharbour City Council to	Peter Moran (not in attendance)

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Continue to Accept all Domestic and Trade Waste for a Further Five Years	
12.2.7 Code of Conduct - Conduct Review Committee/Sole Conduct Reviewers	Peter Moran (not in attendance) Sonya McKay (not in attendance)
12.2.11 Aircraft Maintenance Centre Assignment of Lease to Rotorfix Pty Ltd: Lot 1, DP 1092398, Airport Road, Albion Park Rail	Sonya McKay (not in attendance)

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. On the basis that there were no other listed addresses, he then formally closed the Addresses to Council segment of the meeting.

The Administrator invited Mr Warwick Shanks of KPMG to address the meeting on Item 12.1.1 2009/2010 Annual Financial Statements. Mr Shanks gave a brief summary of the Annual Financial Reports to the meeting.

The Administrator then advised that that there would be a short adjournment of the meeting for consideration of an issue.

195 RESOLVED:

That the meeting be adjourned until 3.25 pm.

**Meeting adjourned at 3.22 pm**

**Meeting resumed at 3.33 pm**

Upon resumption of the meeting, the Administrator advised that under the Code of Meeting Practice the meeting must be adjourned until 4.00 pm at the earliest. He also invited Ms McKay to speak to him about matters she would have addressed the meeting on during the adjournment.

### **8. Adjournment – Consideration of Addresses to Council**

196 RESOLVED:

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

**Meeting adjourned at 3.35 pm**

**Meeting resumed at 4.11 pm**

**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 2009/2010 Annual Financial Statements (9380566)**

The Administrator thanked Council's external auditors KPMG and congratulated staff for their contribution.

197 RESOLVED:

That the 2009/2010 Annual Financial Statements be adopted.

**12.1.2 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (Administrator): Policy (9381802)**

198 RESOLVED:

That Council adopt the amended draft Policy for Payment of Expenses and Provision of Facilities to the Mayor and Councillors (Administrator) under Sections 252 and 253 of the *Local Government Act 1993* as amended and a copy of it be forwarded to the Division of Local Government as required under the legislation.

**12.2 Operations & Services Division**

**12.2.1 DA No. 224/2010 - Lot 2001, DP 1132715, Airport Road, Albion Park Rail - Seven Hangars and Associated Works (9377849)**

199 RESOLVED:

That the Council approve Development Application No. 224/2010 for the construction of seven hangars and associated works at the Illawarra Regional Airport, Lot 2001, DP 1132715, Airport Road, Albion Park Rail under Section 80 of the *Environmental Planning & Assessment Act 1979* subject to the conditions contained in this report.

**12.2.2 Elliott Lake/Little Lake Flood Study (9382400)**

200 RESOLVED:

That the *Elliott Lake/Little Lake Flood Study* be adopted by the Council.

**12.2.3 Sustainable Choice Program: Approval to Participate (9372384)**

201 RESOLVED:

That the Council endorse its participation in the *Sustainable Choice Program* detailed in this report.

**12.2.4 Procurement Policy 2010 (9375829)**

202 RESOLVED:

That the Council adopt the Procurement Policy.

**12.2.5 From Kiama Municipal Council: Request For Shellharbour City Council To Continue To Accept All Domestic And Trade Waste For A Further Five Years (9376945)**

203 RESOLVED:

That the Council resolve to:

1. Authorise the General Manager to extend its agreement with Kiama Municipal Council to accept their domestic and trade waste at the

Dunmore Recycling and Waste Disposal Depot for a period of a further five years.

2. Review the agreement in three years.

**12.2.6 Tender 2010/28: Construction of a Gross Pollutant Trap at Boatharbour, Shellharbour Village (9383734)**

204 RESOLVED:

That the Council decline to accept any of the tenders and call for new, formal quotations for the installation only, of a Gross Pollutant Trap at the Boatharbour, Shellharbour Village.

**12.2.7 Code of Conduct - Conduct Review Committee / Sole Conduct Reviewers (9291189)**

205 RESOLVED:

1. That the independent membership of the Shellharbour City Council Conduct Review Committee, include all those persons who responded to Council's advertisements with valid applications or expressions of interest, namely the following persons:

Ms Christine Jeffreys  
Mr Harry Gooden  
Ms Diane Quinlin  
Ms Maxine Lacey  
Ms Bronwyn Connolly  
Mr Ray Clay  
Mr Barry Daley  
Mr Robert Lopich and Mrs Lorraine Lopich (in the alternative)

2. That the independent members seeking to be remunerated for their participation in any formal Conduct Review activity, be remunerated at rates to be separately negotiated.
3. That Council note with thanks that some community members have offered to serve on the Committee at no cost to Council.

**12.2.8 Shellharbour Hockey Centre Incorporated: Affix Seal to Loan Agreement (9386800)**

206 RESOLVED:

1. That Council affix the Seal of Council to the loan agreement between Shellharbour City Council and Shellharbour Hockey Centre Incorporated for the repayment of principle (\$502,860.90) as adjusted and interest at 5% per annum over an eight year period by Shellharbour Hockey Centre Inc to Council.
2. That Council meet with the full committee of Shellharbour Hockey Centre Incorporated for the purpose of clarifying the operations of Shellharbour Hockey Centre Incorporated at the Croom Regional Sporting Complex.

**12.2.9 Management of Council's Risks: Policy (9380161)**

207 RESOLVED:

That Council formally adopt the reviewed Policy for the Management of Councils Risks.

**12.2.10 Rates Policy: Policy Review (9383721)**

208 RESOLVED:

That Council adopt the attached amended Rates Policy.

**12.2.11 Aircraft Maintenance Centre Assignment of Lease to Rotorfix Pty Ltd: Lot 1, DP 1092398, Airport Road, Albion Park Rail (9384752)**

209 RESOLVED:

1. That Council agree to allow Aircraft Maintenance Centre Pty Ltd (ACN 116943830) to assign its interest in the lease between Shellharbour City Council and Aerospace Training Services Pty Ltd (ACN 166943830) to Rotorfix Pty Ltd (ACN 133974106).
2. That the Administrator and General Manager be authorised to execute documentation related to this lease assignment under Council Seal.



**12.2.12 Community Centres and Halls Management Policy 2010 - Draft for Exhibition (9383445)**

210 RESOLVED:

1. That Council publicly exhibit the Draft Community Centres and Halls Management Policy for a period of 28 days and seek public submissions in that period for consideration.
2. That in addition to standard exhibition and notification practice, Council take additional measures as appropriate to ensure feedback is sought from all facility users and community organisations operating within the local government area.
3. Report back to Council on any submissions received before requesting Council to formally adopt the policy.

**12.3 Community Planning & Strategies Division**

**12.3.1 Renewal of Alcohol-Free Zones and Prohibited Zones (Alcohol) (9384951)**

211 RESOLVED:

That Council renew the Alcohol-Free Zones and Prohibited Zones as shown in Attachment 1 of the report for four years following:

1. Advertisement of the proposals in the *Lake Times*, on Council's website and within Council's Administration building and libraries, and;
2. Declaration of their establishment in the *Lake Times*, effective seven days after the declaration is advertised, subject to objection, and;
3. That Council erect notices prohibiting the consumption of alcohol in the above mentioned parks and reserves.

**12.4 Shell Cove Business Division**

Nil

**13. Committee Recommendations**

**13.1 Recommendations from the Australia Day Committee Meeting held 15 September 2010 recommended for adoption.**

212 RESOLVED:

That the Recommendations from the Australia Day Committee Meeting held of 15 September 2010 be adopted.

**13.2 Recommendations from the Aboriginal Advisory Committee Meeting held 28 September 2010 recommended for adoption.**

213 RESOLVED:

That the Recommendations from the Aboriginal Advisory Committee Meeting held of 28 September 2010 be adopted.

**13.3 Recommendations from the Shellharbour Traffic Committee Meeting held 6 October 2010 recommended for adoption.**

214 RESOLVED:

That the Recommendations from the Shellharbour Traffic Committee Meeting held of 6 October 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

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**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 4.30 pm**