

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 22 February 2011 commencing at 5.30 pm**

Present

Administrator

Mr D Jesson

In attendance

General Manager	M Willis
Director of Operations & Services	A Webster
Director of Community Planning & Strategies	P O'Rourke
Group Manager Corporate Planning	P Masterson
Group Manager Corporate Services	T Gearon
Group Manager Development & Technical Services	M Boenisch
Group Manager Planning Services	G Hoynes
Group Manager Customer & Environmental Services	G Standen
Manager Executive Services / Public Officer	F MastroDomenico
Manager Media & Communications	N East
Manager Development Services	G Meredith
Manager Property	D Flanagan
Manager Financial Services	P Henderson
Senior Strategic Planner	C Lappin
Social and Community Infrastructure Planner	L Wellington
Trainee Town Planner	T Collins
Administrative Assistant	S Farnham
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 1 February 2011

12 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 1 February 2011 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 O'Gorman of Albion Park

Mr Thomas Charles Gunning of Albion Park

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2011

Mr Anthony Dean Palma	of	Albion Park Rail
Mr Pascal Dassonval	of	Albion Park Rail
Mrs Patricia Anne (Tricia) Tribe	of	Albion Park Rail
Mr Bogoja (Bob) Toskovski	of	Barrack Heights
Mr Ronald (Ron) Bailey	of	Barrack Heights
Mr Joe Wilmott	of	Blackbutt
Ms Anne Mountford	formerly of	Blackbutt
Mrs Joan Chamberlain	formerly of	Lake Illawarra
Mrs Ethel Zingel	of	Oak Flats
Mr Jamie Paul Jones	of	Oak Flats
Mrs Jessie Kelle Cuthbert	of	Oak Flats
Mrs Patricia Shard	of	Oak Flats
Mrs Iris Ivy Wesley	formerly of	Oak Flats
Mrs Dianne Newton (Nee Whitfield)	of	Shellharbour
Mr Mato Puliak	of	Shellharbour
Mr Colin Dennis	of	Warilla
Mrs Eileen Thompson	of	Warilla
Mrs Iris McCarthy	of	Warilla

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

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2011

7. Addresses to Council

Agenda Item No & Title	Name
12.1.1 Management Plan Review for the Quarter Ended 31 December 2010	Sonya McKay
12.1.2 December 2010 Quarter Budget Review	Peter Moran
12.2.1 Shellharbour Civic and Cultural Precinct	Peter Moran
12.3.1 Draft Shellharbour Local Environmental Plan 2011 - Conditional Section 65 Certificate and Public Exhibition	Sonya McKay Mairi Petersen Diane Quinlin Peter Moran Arthur Rorris
16.2 Notice of Motion: Code of Meeting Practice - Review of Adjournment following Addresses to Council	Sonya McKay

8. Adjournment – Consideration of Addresses to Council

14 RESOLVED:

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

Meeting adjourned at 6.30pm

Meeting resumed at 6.55pm

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 Management Plan Review for the Quarter Ended 31 December 2010 (9449095)

15 RESOLVED:

That the Management Plan Review for the Quarter ended 31 December 2010 be received, noted and endorsed.

12.1.2 December 2010 Quarter Budget Review (9451424)

16 RESOLVED:

1. That Council adopt the December Quarter Budget Review with all new items as contained in the report, resulting in a revised budget surplus projection for the year ended 30 June 2011, of \$208,282.
2. That the Grants listed in the new items section of this report be accepted.
3. That Council donate a used ride-on mower to the Rural Fire Service on a one-off basis and that they maintain it and the grounds, around the Council owned facility.

4. That all income and expenditure associated with The Links Shell Cove be accounted for from Council's unrestricted cash reserves. This change will apply for all transactions that occur from 1 January 2011.

12.1.3 Monthly Investment Report (9450529)

17 RESOLVED:

That Council receive and note the attached Investment Portfolio reports, as at 31 January 2011.

12.2 Operations & Services Division

12.2.1 Shellharbour Civic and Cultural Precinct (9450718)

18 RESOLVED:

1. That Council note the previous resolutions of the Council to provide for a Civic and Cultural Precinct on land south of Cygnet Avenue and west of College Avenue in the Shellharbour City Centre.
2. That Council develop a business case for Shellharbour City Civic Centre.
3. That Council consults the community regarding services to be incorporated into the Civic and Cultural Precinct as set out in the approved Shellharbour City Masterplan, and so assist in the development of a business case for the Project that will take account of community aspirations for the Civic Centre.

12.2.2 2 Brindabella Drive, Shell Cove: Renewal of Lease Agreement (9449497)

19 RESOLVED:

1. That Council enter into a new lease with Ian Charles Barber and Karen Margaret Barber for the occupation of Lot 1083 DP 866483, 2 Brindabella Drive, Shell Cove for a term of five years at a commencing rental of \$10,000.00 plus GST per annum.
2. That the Administrator and General Manager be authorised to execute all relevant documentation under Council's seal.

**12.2.3 Lot 303 DP 1051235 Myimbarr Community Park Wattle Street
Flinders: Proposed Licence Agreement - Shellharbour Swans
Junior AFL Club (9449646)**

20 RESOLVED:

1. That Council commence the formal process to enter into a twelve month licence agreement with Shellharbour Swans Junior AFL Club including advertisement of the proposal.
2. That provided no submissions are received, council enter into a twelve month licence agreement with Shellharbour Swans Junior AFL Club for the occupation of the building as defined on the attached diagram (Attachment 1), at an annual rental of \$500.00 per sporting season.
3. That the Administrator and General Manager be authorised to sign the licence agreement, under Council Seal.

**12.2.4 Roo Theatre Company Incorporated, Addison Street, Part Lot 9
and Part Lot 10 DP11740: Proposed renewal of Licence
Agreement (9449335)**

21 RESOLVED:

1. That Council enter into a licence agreement with the Roo Theatre Company Incorporated for the occupation of the building situated on Part Lot 9 and Part Lot 10 DP 11740 at 12-14 Addison Street, Shellharbour, for a period of five years, with an annual rental of \$100.00 to be increased annually by CPI plus GST.
2. That the Administrator and General Manger be authorised to execute all relevant documentation under Council's seal.

**12.2.5 Part Eric Creary Park, Junction Road, Barrack Point: Proposed
Licence Agreement - Just Move (9446191)**

22 RESOLVED:

1. That Council commence the formal process to enter into a 12 month trial licence agreement with Just Move, including advertising and exhibition of the proposal.

2. That provided no objections are received, Council enter into a 12 month trial licence agreement with Just Move for the use and occupation of part of Eric Creary Park, as defined on the attached plan (Attachment 1), at an annual rental of \$1,500.00 plus GST. The hours of operation are to be limited to 6.00 am to 7.00 pm Mondays to Fridays and 6.00 am to 9.00 am on Saturdays.

12.3 Community Planning & Strategies Division

12.3.1 Draft Shellharbour Local Environmental Plan 2011 - Conditional Section 65 Certificate and Public Exhibition (9448231)

23 RESOLVED:

That this item be deferred for further report to a future meeting of the Council in order for this matter to be investigated further.

12.3.2 Community Survey 2010 (9448883)

24 RESOLVED:

That Council adopt the 2010 Community Survey and that its findings be used to guide future planning, budgeting and resource allocation.

12.4 Shell Cove Business Division

Nil

13. Committee Recommendations

13.1 Recommendations from the Shellharbour Traffic Committee Meeting held 2 February 2011 recommended for adoption.

25 RESOLVED:

That the Recommendations from the Shellharbour Traffic Committee Meeting held of 2 February 2011 be adopted.

14. Items for Information

Nil

15. Notices of Rescission/Alteration Motions

Nil

16. Notices of Motion

16.1 Notice of Motion: Constitutional Recognition of Local Government (9450985)

26 RESOLVED:

That Shellharbour City Council declare its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

16.2 Notice of Motion: Code of Meeting Practice - Review of Adjournment following Addresses to Council (9451466)

27 RESOLVED:

1. That "Agenda Item 8", in Clause 9.7.4 Order of Business, of the Code of Meeting Practice be deleted and the following inserted in its place:
 8. Adjournment: Consideration of Addresses of Council (only to be taken where deemed to be required by the Council and determined by Resolution of the Council).
2. That the following Clause be added as 9.8.6:

9.8.6 Following an Address to Council, if the General Manager forms the view that further information is required before a matter is determined by the Council, that the General Manager request Council to defer by Procedural Motion consideration of that matter to a future Council meeting. This request should not be unreasonably denied. Further that the General Manager set out the grounds for requesting the deferral as part of his or her request.
3. That these elementary changes to the Code of Meeting Practice be applied from 23 February 2011.

16.3 Notice of Motion - LGSA's NSW Election Priorities 2011 (9452717)

28 RESOLVED:

1. That Shellharbour City Council support the LGSA's NSW Election Priorities 2011 which seeks an official response from all political parties contesting the 2011 NSW Election by 28 February 2011.
2. That Shellharbour City Council participate in the LGSA's media campaign during the lead up to the 2011 NSW Election by contacting and writing to local members of parliament seeking their responses to the NSW Election Priorities 2011.

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 7.20 pm