

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 05 April 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
Manager Executive Services / Public Officer	F MastroDomenico
Manager Media & Communications	N East
Group Manager Corporate Services	T Gearon
Group Manager Planning Services	G Hoynes
Group Manager Development & Technical Services	M Boenisch
Manager Development Services	G Meredith
Manager Property	D Flanagan
Senior Strategic Planner	C Lappin
Social & Community Infrastructure Planner	L Wellington
Forward Planning Engineer	M Davis
Administrative Officer	S Farnham
Executive Assistant	J Frasca
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 15 March 2011

38 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 15 March 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.

Mr Reginald Kevin Ward of Albion Park

Mrs Martha Josephine Crilly of Albion Park

Mr Thomas Albert Jolliffe of Albion Park

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Mrs Debby Szutowicz	of	Albion Park Rail
Mrs Margaret Land	of	Albion Park Rail
Mrs Marie Richardson	of	Albion Park Rail
Mr Ronald Pate	of	Albion Park Rail
Mrs Winafred Faith Edwards	of	Albion Park Rail
Mrs Wyn Gibbons	of	Albion Park Rail
Mr Terry Lambourne	of	Barrack Heights
Mr Anders Sondrup Anderson	of	Blackbutt
Mr Tom Watson	formerly of	Lake Illawarra
Mrs Ellen Gilbert	of	Lake South
Mr David Brian Wright	of	Mt Warrigal
Mr William Joseph Crowe	of	Oak Flats
Mrs Sheila Ellen Colfer	of	Oak Flats
Mrs Josephine (Jo) Lewry	of	Shellharbour
Mrs Agnes Blommestein	of	Warilla
Mrs Elma Jean Payne	of	Warilla
Mr Joseph (Pepe) Gonzalez	of	Warilla
Mrs Maria Luisa Pinilla	of	Warilla

39 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 Road Related Infrastructure Planning: Utilisation of Proceeds from the Part Sales of Lamerton Crescent (9474023)	Peter Moran - not in attendance Sonya McKay
12.3.1 Draft Shellharbour Local Environmental Plan (LEP) 2011 (9477159)	Peter Moran - not in attendance Sonya McKay Mairi Petersen

The Administrator noted that Mr Moran who was listed to speak in Addresses to Council was not present in the gallery.

8. Adjournment – Consideration of Addresses to Council (only to be taken where deemed to be required by the Council and determined by Resolution of the Council)

The Administrator noted that there were no issues raised during Addresses to Council that would require an adjournment.

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 (9475657)

40 RESOLVED:

That Council receive and note the attached Investment Portfolio reports, as at 28 February 2011.

12.2 Operations & Services Division

12.2.1 Road Related Infrastructure Planning: Utilisation of Proceeds from the Part Sale of Lamerton Crescent (9474023)

41 RESOLVED:

1. That Council consider allocating from the part sale of Lamerton Crescent via the 2011/2012 budget process:
 - a. \$1,938,779 toward the priority road related asset renewal projects via the 2011/2012 Asset Improvement Program.
 - b. \$1,910,000 toward the finalisation of streetscapes at Oak Flats and Shellharbour and Stage 2 of Destination Albion Park.
 - c. \$185,581 toward matching priority road related grants via the 2011/2012 Capital Works Program.
2. That Council pursue grant funding opportunities to supplement the proposed streetscape and capital works allocations.

12.2.2 Draft Sustainable Events Management Policy (9470258)

42 RESOLVED:

1. That Council publicly exhibit the *Draft Sustainable Events Management Policy* for a minimum period of 28 days, in accordance with Council's Community Engagement Policy.
2. That a further report be submitted to the Council, after the exhibition period has closed, that includes a summary of submissions received and staff comments in relation to matters arising from any submissions.

12.2.3 Library Development Grant Funding (9474487)

43 RESOLVED:

That Council amend the current budget to incorporate the grant funding of \$92,500 for library resources for seniors.

12.2.4 Renewal of Lease - Shellharbour Country Kitchen Cafe - Lot 1 DP 745795 - 10 Addison St Shellharbour (9474633)

44 RESOLVED:

1. That Council enter into a lease agreement with Carol Lee Testa and Lindsey Anne Crofts for the occupation of part of Lot 1 DP 745795 , 10 Addison Street, Shellharbour, which incorporates the Shellharbour Country Kitchen Café and new outdoor dining area, for a term of five years at a rental amount of \$31,470.00 plus GST per annum, subject to annual CPI adjustment, with a further two options of five years each, subject to annual CPI adjustment and a rent review at the commencement of each five year extension.
2. That the Administrator and General Manager be authorised to sign all relevant documentation in relation to the lease agreement between Carol Lee Testa and Lindsey Anne Crofts and Shellharbour City Council under Council seal.

12.2.5 Lease - Shellharbour Tourism - Part Lot 1 DP 745795 - 10 Addison St Shellharbour (9475377)

45 RESOLVED:

1. That Council enter into a lease agreement with Tourism Shellharbour for the occupation of part of Lot 10 DP 745795, 10 Addison Street, Shellharbour for a term of five years at an annual rental amount of \$12,500.00 plus GST per annum, subject to annual CPI adjustment, with a further two options of five years each, subject to annual CPI adjustment and a rent review at the commencement of each five year extension.
2. That the Administrator and General Manager be authorised to sign all relevant documentation in relation to the lease agreement between Tourism Shellharbour and Shellharbour City Council, under Council Seal.

12.3 Community Planning & Strategies Division

12.3.1 Draft Shellharbour Local Environmental Plan (LEP) 2011 (9477159)

46 RESOLVED:

1. That due to the current differences between Council and NSW Department of Planning regarding future land use planning at Killalea State Park, Council defer from Draft Shellharbour LEP 2011 land at Killalea State Park being Lot 17, DP 3710, Lot 18, DP 3710, Lot 19, DP 3710, Lot 1, DP 609762, Lot 21, DP 1010797, Lot 7013, DP 1111971, Lot 30, DP 751290, Lot 7300, DP 1139844 and Part of Crown Land Foreshore (Parcel 29678).
2. That Council endorse the Draft Shellharbour Local Environmental Plan 2011 as contained in Attachment 1 of this report.
3. That Council authorise the General Manager to submit the Draft Shellharbour Local Environmental Plan 2011 to the NSW Department of Planning in accordance with Section 64 of the *Environmental Planning and Assessment Act* for review and certification under Section 65 of the *Environmental Planning and Assessment Act*.
4. That Council delegate to the General Manager authority to make minor changes to the endorsed Draft Shellharbour Local Environmental Plan 2011 if and as required by the NSW Department of Planning in order to obtain a Section 65 Certificate or address any conditions of the Section 65 Certificate.
5. That any changes made in accordance with part 4 above be specifically identified in the documentation accompanying the exhibition of the certified Draft Shellharbour Local Environmental Plan 2011.
6. That the certified Draft Shellharbour Local Environmental Plan 2011 be publicly exhibited for a minimum of eight weeks.
7. That Council endorse the detailed community engagement strategy for the public exhibition of the certified Draft Shellharbour Local Environmental Plan 2011 set out in this report.
8. That a report be submitted to Council on the public exhibition of the certified Draft Shellharbour Local Environmental Plan 2011 detailing the outcomes of the community and government agency engagement.
9. That the Draft Shellharbour Local Environmental Plan 2011 be reported back to Council after public exhibition for final consideration.

12.4 Shell Cove Business Division

Nil

13. Committee Recommendations

13.1 Recommendations from the Disabilities Services Advisory Committee Meeting held 9 March 2011 recommended for adoption.

47 RESOLVED:

That the Recommendations from the Disabilities Services Advisory Committee Meeting held of 9 March 2011 be adopted.

13.2 Recommendations from the Australia Day Committee Meeting held 16 March 2011 recommended for adoption.

48 RESOLVED:

That the Recommendations from the Australia Day Committee Meeting held of 16 March 2011 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

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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 6.20 pm