

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 10 May 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 Development & Technical Services	M Boenisch
Group Manager Community Services & Development	M Boxall
Group Manager Corporate Planning	P Masterson
Manager Media & Communications	N East
Manager Property	D Flanagan
Manager Financial Services	P Henderson
Manager Executive Services / Public Officer	F MastroDomenico
Manager Development & Regulation Services	G Meredith
Development Assessment Officer	M Biondich
Executive Assistant	L Davey
Executive Assistant	D Arney
Executive Assistant to Public Officer	M Olsen

1. Acknowledgement to Country

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting and pays its respects to Elders past and present.

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 19 April 2011

57 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 19 April 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 Elizabeth Munteanu of Albion Park

Mrs Ina Boardman of Albion Park

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Mrs Isabella Milner	of	Albion Park
Mr Nathaniel Kirk Dibden	of	Albion Park
Mr William (Bill) Daubney Raftery	of	Albion Park
Mr John Noel Raftery	formerly of	Albion Park
Mrs Agnes Miller	of	Albion Park Rail
Mrs Debbie Watts	of	Albion Park Rail
Mrs Evelyn Margaret Morrison	of	Barrack Point
Mrs Menka Gligoroska	of	Barrack Heights
Mrs Phyllis Jean Seymour	of	Blackbutt
Mr Emmanuel Zammit	of	Lake South
Mr Barry Grant	of	Mt Warrigal
Mrs Beverley Allport	of	Mt Warrigal
Mrs Antonia (Greet) Gal	of	Oak Flats
Mr Kevin Albert Setterfield	of	Shellharbour
Ms Denise Enid Robinson	of	Shellharbour
Mrs Doris Hazelton	of	Shellharbour
Mrs Beverly (Bev) Margaret Holding	of	Warilla
Mrs Dorie Fittler	of	Warilla
Mr Raymond Hugh Moore	of	Warilla
Mrs Rozarija Vidovic	of	Warilla
Mr Francisco (Paco) Perulero	formerly of	Warilla

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

Suspension of Standing Orders

59 RESOLVED:

That standing orders be suspended to enable the Manager Development & Regulation Services to give an introduction and presentation in relation to Item 12.2.1, prior to Addresses to Council.

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7. Addresses to Council

Agenda Item No & Title	Name
12.2.1 DA No 320/2010 - Lot 1, DP 209694, Ulster Avenue, Barrack Heights & Lot 107, DP 24321, 13 Ulster Avenue, Warilla	Peter Ryan
12.2.2 Council Authorisation of Documentation	Sonya McKay
12.2.4 Instrument of Delegation - Southern Region Joint Planning Panel	Sonya McKay

As a result of inappropriate comments made by Ms Sonya McKay during her address to Council on Item 12.2.4, despite a warning being given by the Administrator at the last Council Meeting, the Administrator resolved as follows:

60 RESOLVED:

That Ms Sonya McKay no longer be heard on this item.

Agenda Item No & Title	Name
16.1 Notice of Motion: Bass Point Aboriginal Interpretive Centre	Sonya McKay

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 and noted this item only.

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 (9490468)

61 RESOLVED:

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

12.2 Operations & Services Division

12.2.1 DA No. 320/2010 - Lot 1, DP 209694, Ulster Avenue, Barrack Heights & Lot 107, DP 24321, 13 Ulster Avenue, Warilla (9488634)

62 RESOLVED:

That the Council approve Development Application No. 320/2010, at Lot 1, DP 209694, Ulster Avenue, Barrack Heights & Lot 107, DP 24321, 13 Ulster Avenue, Warilla under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended subject to the 136 conditions and 12 advisory notes listed in the report and with the addition of the following special condition:

Condition H25

Prior to the issue of the Subdivision Certificate for Stage 1, a 2.1 metre high dividing fence must be provided for the entirety of the rear boundary of Lot 100 to Lot 106 (inclusive) and Lot 201 to Lot 208 (inclusive).

The dividing fence must be in a style, material and colour which is satisfactory to the adjoining residence or the Principal Certifying Authority. The fence must be constructed in accordance with the manufacturers specifications or good building practice and at the developers expense.

12.2.2 Council Authorisation of Documentation (9654171)

63 RESOLVED:

That Council substitute the title and signature of the General Manager's delegate, the Public Officer in place of those of the General Manager, in situations requiring Council authentication of official documentation, as permitted by The Local Government Act Sections 377 & 683 and the Local Govt General Regulation Clause 400 where appropriate.

12.2.3 GST Certificate (9490473)

64 RESOLVED:

That Council make the GST Certificate (as attached) and approve the application of the signatures by the Administrator and the General Manager to that Certificate, as is required for GST compliance.

12.2.4 Instrument of Delegation - Southern Region Joint Planning Panel (9481127)

65 RESOLVED:

1. That Council acknowledge the Department of Planning Instrument of Delegation - Southern Region Joint Planning Panel - made under Section 23(1B) of the Environment Planning and Assessment Act 1979.
2. That Council delegate the functions of the Department of Planning Instrument of Delegation - Southern Region Joint Planning Panel - made under Section 23(1B) of the Environment Planning and Assessment Act 1979. to the General Manager.

12.2.5 Renewal of Deed of Lease with Mr Rajko Djukich for occupation of an unformed part of Fisher Street, adjoining 1 Bridge Avenue, Oak Flats (9490647)

66 RESOLVED:

1. That Council commence the process under Section 154 of the *Roads Act 1993*, to advertise the proposal to renew the deed of lease with Mr Rajko Djukich, for occupation of approximately 40 sq.m. of part of the unused Fisher Street road reserve adjoining 1 Bridge Avenue, Oak Flats.

2. Provided no submissions are received during the exhibition period, that Council renew the deed of lease with Mr Rajko Djukich for occupation of approximately 40 sq.m. of part of the unused Fisher Street road reserve adjoining 1 Bridge Avenue, Oak Flats, for a term of five years commencing on 5 May 2011 and terminating on 4 May 2016 at a rental of \$300.00 per annum plus GST.
3. That the Administrator and General Manager be authorised to execute documentation related to this deed of lease under Council Seal.

12.2.6 Proposed licence agreement with Shellharbour City Seniors AFL Club for the occupation of the canteen at Jock Brown Sportsfield - Lot 156 Gipps Crescent, Barrack Heights (9490727)

67 RESOLVED:

1. That Council commence the formal process under Section 47A of the Local Government Act 1993, to enter into a two year licence agreement with Shellharbour City Seniors AFL Club.
2. That provided no submissions are received, Council enter into a two year licence agreement with Shellharbour City Seniors AFL Club for the occupation of the canteen located on Lot 156 DP 238012 Gipps Crescent, Barrack Heights at a rental of \$250.00 per season plus GST.
3. That the Administrator and General Manager be authorised to sign the licence agreement under Council seal.

12.2.7 Transfer of land to adjoining land owners - closed section of unformed Stockyard Mountain Road, Yellow Rock (9490797)

68 RESOLVED:

1. That Council transfer Lot 691 and Lot 692 DP 1022731 Stockyard Mountain Road, Yellow Rock to Mr Alistair Lochhead and Ms Karla Sperling.
2. That Council transfer Lot 693 DP 1022731 Stockyard Mountain Road, Yellow Rock to Mr Gregory Cobbin.
3. That the Administrator and General Manager be authorised to execute all of the necessary transfer documentation under Council seal.

12.3 Community Planning & Strategies Division

Nil

12.4 Shell Cove Business Division

Nil

13. Committee Recommendations

Nil

14. Items for Information

Nil

15. Notices of Rescission/Alteration Motions

Nil

16. Notices of Motion

16.1 Notice of Motion: Bass Point Aboriginal Interpretive Centre (9495731)

69 RESOLVED:

1. That Council commit its financial support for the preparation of the business case which will underpin the Bass Point Aboriginal Interpretive Centre Project.
2. Further, that Council's support be limited to the estimated cost of \$30,000 and be made available at the appropriate time and that the budget be varied accordingly at that time.

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 6.27 pm