

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

**held at the Council Administration Centre, Shellharbour City Centre
on Tuesday 26 July 2011 commencing at 5.30 pm**

Present

Administrator

Mr D Jesson

In attendance

General Manager	M Willis
Director of Operations & Services	A Webster
Manager Executive Services / Public Officer	F MastroDomenico
Group Manager Development & Technical Services	M Boenisch
Group Manager Corporate Services	T Gearon
Group Manager Customer & Environmental Services	G Standen
Group Manager Works & Services	C Watt
Manager Development & Regulation Services	G Meredith
Economic Development Manager	T James
Management Accountant	P Macquire
General Manager The Links Shell Cove	R Stephenson
Manager Media & Communications	N East
Manager Information Technology	M Leonard
Media Officer	C Lewis
Network & Desktop Support Officer	M Baez
Executive Assistant	D Arney
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 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 5 July 2011

115 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 5 July 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

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6. Condolences

The Administrator read details of the following deaths in the Local Government area.

Mr John Clayton	of	Albion Park
Mrs Mavis Broderick	of	Albion Park
Mr Kevin John Parks	formerly of	Albion Park
Mrs Jan Veenstra	of	Albion Park Rail
Mrs Margaret Helen Rattenbury	of	Albion Park Rail
Mr Paul Krome	of	Albion Park Rail
Mr Robert (Bob) Lumley	of	Albion Park Rail
Mr Victor Fenech	of	Albion Park Rail
Mr William (Bill) Welland	of	Albion Park Rail
Mrs Dorothy David	of	Balarang
Mrs Mary Joyce Maree Stewart	of	Barrack Heights
Mrs Velika Petkovski (Stojkovska)	of	Barrack Heights
Mr Robin John Taylor	of	Lake Illawarra
Mr Sacha Lester	of	Mt Warrigal
Mr Allen Cassilles	of	Mt Warrigal
Mr Heriberto (Jose Mari) Garcia	of	Mt Warrigal
Mrs Slavka Sisko	of	Mt Warrigal
Mrs Marjorie Herbert	of	Oak Flats
Mr Savo Knezevic	of	Oak Flats
Mrs Susan Rae Finn	of	Shellharbour
Mr Willy Krink	of	Shellharbour
Mrs Dorothy (Dot) Belcher	of	Warilla
Mr Harry Wouters	of	Warilla

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

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7. Addresses to Council

Agenda Item No & Title	Name
12.1.1 Compliance with GIPA Act - Publication Guide Review	Sonya McKay Called at 5.36 pm but not in attendance
12.2.1 Motions to the Local Government Association Annual Conference 2011	Joan Vinton
12.2.14 Debt Write Off associated with The Links Shell Cove	Dennis Chalker Harry Gooden Robert Lopich Gary Pinch Peter Moran

Note: The Administrator again called for Ms S McKay at 6.02 pm however she was still not present. The Administrator then noted the conclusion of Public Addresses.

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 stated that he would defer any adjournment until the time that he was to consider Item 12.2.14

This item was deferred to later in the meeting. Refer to Resolution No 138.

9. Administrator's Statements / Reports / Presentations

The Administrator advised the gallery that he attended the Land & Environment Court this week with Council as applicant, first respondent the Dept of Planning and Minister for Planning, second respondent Delfin Lend Lease, in relation to proposed Calderwood development and the approved concept plan for development. The hearing was completed this afternoon. He further stated that judgment has been reserved and that given the matter is under judgment, the Council will not be making any public statements in relation to the matter and had no further comment at this stage.

The Administrator met with the Minister for Planning & Infrastructure last week in relation to Killalea.

He also met with Minister for Roads & Ports today and several matters are to be pursued.

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 Compliance with GIPA Act - Publication Guide Review (9534377)

117 RESOLVED:

1. That the Publication Guide - July 2011 as attached to this report be adopted.
2. That the Publication Guide be updated as and when required to reflect changes as they occur.

12.2 Operations & Services Division

12.2.1 Motions to the Local Government Association Annual Conference 2011 (9539842)

118 RESOLVED

That Council submit the following motions to the Local Government Association Annual Conference:

1. That the Local Government Association approach the Minister for Planning and Infrastructure to seek compliance with council car parking controls for Crown Development Applications.
2. That the Local Government Association call on the Federal Government to ensure that, in rolling out the National Television and Computer Product Stewardship Scheme, all areas that currently have access to e-waste collection and recycling services be covered by the Scheme immediately from the date of its commencement.

12.2.2 Variation To The Woodlands Estate Development Control Plan To Allow Nominated Dual Occupancy Sites (9528203)

The Manager Development & Regulation Services addressed the Council on this item.

119 RESOLVED:

1. That the Council approve a variation to the Woodlands Estate Development Control Plan to allow dual occupancy developments on nominated residential lots and endorse an amended locality map that identifies preferred dual occupancy sites.
2. That the battleaxe allotments identified for dual occupancy development not be supported and that the locality plan be amended accordingly.

RESOLVED: That Item Nos 12.2.3, 12.2.4, 12.2.5, 12.2.7, 12.2.8, 12.2.9, 12.2.10, 12.2.11, 12.2.12 and 12.2.13 be adopted as follows:

12.2.3 Tender 2011/7 - Recovery and Sale of Recyclable Material and Saleable Goods at Dunmore Recycling & Waste Disposal Depot (9536022)

120 RESOLVED:

That Council call fresh tenders for the management of the Resource Recovery Centre and Transfer Station at the Dunmore Recycling & Waste Disposal Depot.

12.2.4 Tender 2011/20 - Supply and Laying of Asphaltic Concrete (9533146)

121 RESOLVED:

1. That Council accept the tender of Fulton Hogan Industries Pty Ltd for the supply and laying of asphaltic concrete within Shellharbour City for the period 1 August 2011 to 30 June 2013.
2. That Council accept Boral as a backup supplier for the supply and laying of asphaltic concrete within Shellharbour City for the period 1 August 2011 to 30 June 2013.

12.2.5 Tender 2011/27 - Dunmore Waste Depot Sand Dredging Operation (9532453)

122 RESOLVED:

That the Council accept Davidson Dredging Pty Ltd's tender to supply and operate a dredge and sand washing plant for a period of two years from 1 August 2011.

12.2.7 Tender 2011/21 - Road Stabilisation Works (9533345)

123 RESOLVED:

That Council accept the tender of Downer Edi Works for the insitu road stabilisation works for the period 1 August 2011 to 30 June 2013 in accordance with the recommended tender rate.

12.2.8 Tender 2011/24 Supply Only and Supply & Deliver Road Pavement Materials (9533370)

124 RESOLVED:

1. That Council accept the tender of SCE Recycling Pty Ltd for the supply and supply & delivery of road pavement materials for the period 1 August 2011 to 30 June 2013.
2. That Council accept Cleary Bros (Bombo) Pty Ltd as a backup supplier for road pavement material for the period 1 August 2011 to 30 June 2013.

12.2.9 Tender 2011/25 - Supply & Delivery of Readymix Concrete (9533449)

125 RESOLVED:

1. That Council accept Cleary Bros (Bombo) Pty Ltd's tender for the supply and delivery of readymix concrete for the period 1 August 2011 to 30 June 2013.
2. That Council accept Hanson Construction Materials Pty Ltd as a backup supplier of readymix concrete for the period 1 August 2011 to 30 June 2013.

12.2.10 Tender 2011/6 - Minor Concrete Works (9535326)

126 RESOLVED:

That Council accept all tenders for the provision of minor concrete works throughout the City for the period 1 August 2011 to 30 June 2013.

12.2.11 Tender 2011/23 - Pavement Marking (Line Marking Services) (9535077)

127 RESOLVED:

That Council accept the tender from Wollongong Line Marking for pavement marking services for the period 1 August 2011 to 30 June 2013.

12.2.12 Tender 2011/22 - Supply of Traffic Management Services (9534775)

128 RESOLVED:

That Council accept the tender from Traffic Logistics for the supply of traffic management services for the period 1 August 2011 to 30 June 2013.

12.2.13 Tender 2011/26 - Supply & Spray of Bitumen and Associated Services (9533724)

129 RESOLVED:

That Council accepts the tender from Roadworx for the supply & spray of bitumen and associated services for the period 1 August 2011 to 30 June 2013.

12.2.6 2011/2012 Roads to Recovery Program (9528034)

130 RESOLVED:

1. That Council confirms the 2011/12 Roads to Recovery Program as detailed in this report.
2. That the budget be amended accordingly.

12.2.14 Debt Write Off associated with The Links Shell Cove (9540462)

This item deferred to later in the meeting. Refer to Resolution No 139.

12.2.15 Write-off of Debts (9534267)

131 RESOLVED:

That the debts as listed in this report be written off and Council's financial records adjusted accordingly, as it is considered that further attempts to recover these debts would not be successful or cost effective.

12.2.16 Reddall Reserve, Reddall Parade, Lake Illawarra: Proposed Licence Agreement - Skye High Health and Fitness (9528615)

132 RESOLVED:

1. That Council commence the formal process to enter into a five year licence agreement with Skye High Health and Fitness, including advertising and exhibition of the proposal.
2. That provided no objections are received, Council enter into a five year licence agreement with Skye High Health and Fitness for the use and occupation of part of Reddall Reserve, as defined on the attached plan (Attachment 1), at an annual rental of \$500.00 plus GST with annual CPI increases. The hours of operation are to be limited to 6.00 am to 6.00 pm Mondays to Fridays.

12.2.17 Boonerah Point Reserve, Reddall Parade, Mount Warrigal: Proposed Licence Agreement - Sandra Egan Personal Trainer (95282070)

133 RESOLVED:

1. That Council commence the formal process to enter into a five year licence agreement with Sandra Egan Personal Trainer, including advertising and exhibition of the proposal.
2. That provided no objections are received, Council enter into a five year licence agreement with Sandra Egan Personal Trainer for the use and occupation of part of Boonerah Point Reserve, as defined on the attached plan (Attachment 1), at an annual rental of \$2,200.00 plus GST with annual CPI increases. The hours of operation are to be limited to 6.00 am to 6.00 pm Mondays to Fridays in non-daylight saving time, 6.00 am to 8.00 pm Mondays to Fridays daylight saving time and 6.00 am to 9.00 am on Saturdays - subject to development consent being granted.

12.2.18 Sale of closed section of road to adjoining owners Mr M Kinsela & Ms T Little - Lot 1 DP 1163773 Durgadin Drive, Albion Park Rail (9537912)

134 RESOLVED

1. That Council approve the sale of Lot 1 DP 1163773 Durgadin Drive, Albion Park Rail to Mr Michael Kinsela & Ms Terri Louise Little for the sum of \$45,000.00 plus GST.
2. That the Seal of Council be affixed to all documentation associated with the sale of Lot 1 DP 1163773 to Mr Michael Kinsela & Ms Terri Louise Little.
3. That the \$45,000.00 be restricted for future allocation to roads associated works.

12.2.19 Lot 7004 DP 1028837 and Lot 7009 DP1075106 - Little Park, Shellharbour - Proposed Licence Agreement for the Operation of Monthly Markets (9534535)

135 RESOLVED:

1. That Council enter into a licence agreement with the Rotary Club of Shellharbour City for the operation of a monthly market at Part Lot 7004 DP 1028837 and Part Lot 7009 DP 1075106 Little Park Reserve, Shellharbour Village for the period of 1 September 2011 to 30 June 2016 with an annual rental of \$425.00 plus GST per annum to be increased annually by CPI. The market is to operate on the fourth Sunday of each month..
2. That the Administrator and Public Officer on behalf of the General Manager be authorised to execute the licence agreement and associated documents under Council Seal.

12.3 Community Planning & Strategies Division

Nil

12.4 Shell Cove Business Division

Nil

13. Committee Recommendations

13.1 Recommendations from the Traffic Committee Meeting held 6 July 2011 recommended for adoption.

136 RESOLVED:

That the Recommendations from the Traffic Committee Meeting held 6 July 2011 be adopted.

13.2 Recommendations from the Aboriginal Advisory Committee Meeting held 12 July 2011 recommended for adoption.

137 RESOLVED:

That the Recommendations from the Aboriginal Advisory Committee Meeting held 12 July 2011 be adopted.

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)

138 RESOLVED:

That the Council meeting be adjourned to enable it to consider matters raised during Addresses to Council on item 12.2.14 only.

Meeting adjourned 6.30 pm

Meeting resumed 7.05 pm

12.2.14 Debt Write Off associated with The Links Shell Cove (9540462)

139 RESOLVED:

1. That Council instruct solicitors Heard McEwan to accept on Council's behalf, the offer made by solicitor Joe Ryan, for a payment of \$25,000 in consideration of Council's cessation of further legal action to recover debts due by Messrs Cannen, Johnson and Steen as previous tenants and operators of The Links Shell Cove.
2. That upon acceptance of Council's offer by Mr Ryan and receipt by Council of the \$25,000 referred in recommendation 1 above, Council cease further legal action for recovery of amounts claimed in this Links Shell Cove matter.

3. That, subject to satisfactory outcomes from actioning resolutions 1 and 2 above, Council write off the accumulated doubtful debt of \$415,903.90 associated with Shellharbour Links Pty Ltd and Council's financial records be adjusted accordingly, as it is considered that further attempts to recover these debts would not be successful or cost effective.
4. That any person with continuing concerns be invited to put them in writing together with any questions and address them to the General Manager.

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 7.25 pm