

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Home & Community Care Centre, Albion Park
on Tuesday 16 August 2011 commencing at 5.31 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
Group Manager Corporate Services	T Gearon
Group Manager Development & Technical Services	M Boenisch
Manager Development & Regulation Services	G Meredith
Manager Property	D Flanagan
Manager Information Services	M Leonard
Manager Design	B Short
Media Officer	C Lewis
Network & Desktop Support Officer	M Baez
Network & Desktop Support	D Gollop
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 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 26 July 2011

140 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 26 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

6. Condolences

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

Mrs Betty Joan Lewis	of	Albion Park
Mr Laurie Hoogvliet	of	Albion Park Rail
Mrs Jennifer Horne	formerly of	Albion Park Rail
Mr Johannes Weber	formerly of	Albion Park Rail

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Mr Noel Royden Toole	of	Lake Illawarra South
Mr Donald Henry McDermid	of	Oak Flats
Mrs Elsa Charlotte Kopke	of	Oak Flats
Mr Jeffrey Paul Gardner	formerly of	Oak Flats
Mr Kevin Mitchell	of	Shellharbour
Mr Allan Porter	of	Warilla
Mr James McKechnie	of	Warilla
Mrs Joan Patricia Graham	of	Warilla
Mr Noel Kenrith Southwell	of	Warilla
Mr Peter Ross Warne	of	Warilla

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

7. Addresses to Council

Nil

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)

9. Administrator's Statements / Reports / Presentations

The Administrator advised the gallery that he had attended a ceremony at the SES headquarters in Albion Park to recognise 30 years service of Deputy Local Controller, David Berry and ten years service of Ron Miller in the Shellharbour SES Unit.

The Administrator tabled the SES 2010 Annual Report at the meeting and advised that it would be made available to the public at the appropriate location within council.

10. Councillors' Reports (not applicable at this time)

Nil

11. Administrator's Minutes

11.1 Draft Shellharbour Local Environmental Plan 2011 (9558602)

142 RESOLVED:

1. That the draft Shellharbour Local Environmental Plan 2011 be further exhibited for a period of 28 days.
2. That those people who have indicated a desire to make a submission on the draft Shellharbour Local Environmental Plan 2011 be advised that an opportunity will be presented for that to occur by way of the 28 day further exhibition period.
3. That the 28 day further exhibition period be put in place as soon as possible.

12. Reports

12.1 General Manager's Office

12.1.1 Adoption of Policy: Payment of Expenses and Provision of Facilities to the Mayor and Councillors (9548276)

143 RESOLVED:

1. That the Draft Amended Policy: Payment of Expenses and Provision of Facilities to the Mayor and Councillors, publicly exhibited, be adopted to take effect with the election of the new Council.
2. That a copy of the adopted Policy be forwarded to the Department of Premier and Cabinet, Division of Local Government as required by the Local Government Act 1993.

12.1.2 Adoption of Policy: Councillor Access to Information, Interactions with Staff and Access to Council Premises (9548294)

144 RESOLVED:

1. That the Draft Policy Councillor Access to Information, Interactions with Staff and Access to Council Premises, as publicly exhibited, be adopted.
2. That the Councillor Communication procedure be received and noted by the Council.

12.1.3 Monthly Investment Report (9528818)

145 RESOLVED:

That Council receive and note the attached Investment Portfolio reports, as at 30 June 2011.

12.2 Operations & Services Division

12.2.1 DA No. 393/2005 (Pt 3) - Lot 1, DP 216377, 3 Surf Road, Shellharbour - Section 96AA Amendment to Development Consent For An Integrated Housing Development Containing Six Dwellings On Six Torrens Title Allotments (9544428)

146 RESOLVED:

That the Council approve the Amending Development Application No. 393/2005 (Pt 3) to amend the development consent for the 'demolition of existing structures and construction of six integrated houses' (as described in the LEC Orders), at Lots 1 - 6, DP 1149282, 3 Surf Road, Shellharbour under Section 96AA of the *Environmental Planning & Assessment Act 1979*, subject to deleting condition 118B and amending Condition No. 1 to reflect the amended plans, as detailed in the conditions contained in this report.

12.2.2 Horsley Creek Flood Study (9546515)

147 RESOLVED:

That the *Horsley Creek Flood Study* be adopted by the Council.

12.2.3 Renewal of Deed of Lease with Leslie & Vivienne Johnston for occupation of the pathway adjoining lots 555, 556 & 557 DP 240069 between Wall and Trumper Streets, Warilla (9546639)

148 RESOLVED:

1. That Council commence the process as outlined under Section 154 of the Roads Act 1993, to advertise the proposal to renew the deed of lease with Leslie Alfred Johnston and Vivienne Johnston, for occupation of the pathway adjoining lots 555, 556 and 557 DP 240069 between Wall and Trumper Streets, Warilla.
2. Provided no objections are received during the exhibition period, that Council renew the deed of lease with Leslie Alfred Johnston and Vivienne Johnston for occupation of the pathway adjoining lots 555, 556 and 557 DP 240069 between Wall and Trumper Streets, Warilla, for a term of five (5) years commencing on 1 August 2011 and terminating on 31 July 2016 at a rental of \$250.00 plus GST per annum.
3. That the General Manager or the General Manager's delegate, the Public Officer and the Administrator be authorised to execute the documentation related to this deed of lease on behalf of Council.

12.2.4 Albion Park Community Centre, Russell Street, Albion Park: Proposed licence agreement with Albion Park Youth & Community Care for construction of community garden (9540194)

149 RESOLVED:

That Council enter into a five year licence agreement with Albion Park Youth & Community Care at an annual rental of \$100.00 plus GST for the occupation of the rear yard of the Albion Park Community Centre to construct a community garden and associated activities.

12.3 Community Planning & Strategies Division

12.4 Shell Cove Business Division

Nil

13. Committee Recommendations

13.1 Recommendations from the Shellharbour Traffic Committee Meeting held 3 August 2011 recommended for adoption.

150 RESOLVED:

That the Recommendations from the Shellharbour Traffic Committee Meeting held 3 August be adopted.

14. Items for Information

Nil

15. Notices of Rescission/Alteration Motions

Nil

16. Notices of Motion

16.1 Notice of Motion: Roads to Recovery Program (9553817)

151 RESOLVED:

1. That Shellharbour City Council call on the Federal Government to:
 - (a) recognise the successful delivery of the Roads to Recovery Program by Local Government since 2000;
 - (b) continue the Roads to Recovery Program on a permanent basis to assist Local Government meets its responsibilities of providing access for its communities;
 - (c) continue the Roads to Recovery Program with the current administrative arrangements; and
 - (d) provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.
2. And further that appropriate letters of support be sent to:
 - (a) The Hon Julia Gillard MP, Prime Minister of Australia

- (b) The Hon Tony Abbott MP, Leader of the Opposition
- (c) The Hon Anthony Albanese MP, Minister for Infrastructure and Transport
- (d) The Hon Warren Truss MP, Shadow Minister for Infrastructure and Transport
- (e) Mr Stephen Jones MP, Federal Member for Throsby
- (f) Ms Joanna Gash MP, Federal Member for Gilmore
- (g) Australian Local Government Association

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 5.57 pm