

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 02 May 2006 commencing at 7.16 pm**

Present

His Worship the Mayor	Councillor D Hamilton
A Ward	Councillor M Greig Councillor T Hawker
B Ward	Councillor H Stewart Councillor C Jeffreys
C Ward	Councillor J Bailey Councillor D Briggs
D Ward	Councillor J Leedham Councillor T Hore
E Ward	Councillor C Mifsud
F Ward	Councillor B Bird Councillor H Gillett

In attendance

General Manager	B A Weir
Director of Operations & Services	A Webster
Director of Community Planning & Strategies	P O'Rourke
Group Manager Community Services & Devel.	L Campbell
Group Manager Corporate Services	T Gearon
Group Manager Works & Services	C Watt
Group Manager Customer & Env. Services	G Standen
Group Manager Development & Tech Services	M Boenisch
Group Manager Corporate Planning	P Masterson
Group Manager Organisational Development	B Rose
Acting Group Manager Planning Services	I Rankine
Commercial Manager	K James
Corporate Solicitor – Manager Legal & Property Services	B McCann
Manager Financial Services	P Henderson
Manager Development Services	G Mitchell
Manager Executive Offices/Executive Assistant	F MastroDomenico
Manager Media & Communications	B Parker
Corporate Meetings Officer	J Larsen

Acknowledgement to Country

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting.

1. Apologies / Leave of Absence

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An apology was tendered on behalf of Councillor Rose

179 RESOLVED: Briggs/Mifsud. That the apology as tendered be accepted.

2. Confidential Business (Committee of the Whole)

Nil

3. Recommendations from Committee of the Whole

Nil

4. Confirmation of Minutes

4.1 Ordinary Meeting 11 April 2006

180 RESOLVED: Briggs/Greig That the Minutes of the Ordinary Council Meeting held on 11 April 2006 be confirmed as a correct record of proceedings.

4.1 Extraordinary Meeting 11 April 2006

181 RESOLVED: Briggs/Gillett That the Minutes of the Extraordinary Council Meeting held on 11 April 2006 be confirmed as a correct record of proceedings.

4.1 Extraordinary Meeting (in Committee of the Whole) 11 April 2006

182 RESOLVED: Briggs/Gillett That the Minutes of the Extraordinary Council Meeting (in Committee of the Whole) held on 11 April 2006 be confirmed as a correct record of proceedings with the amendment that Councillor Greig be recorded as declaring a Pecuniary Interest as she is a property owner in the vicinity of the proposed development rather than being an apology for the meeting.

CARRIED Councillor Bailey, Mifsud and Stewart dissenting

5. Pecuniary Interest

Nil

6. Condolences

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

Florence May Jeffries (nee Wingate)	of	Albion Park
Bradley (Brad) King	of	Albion Park
Eleanor Pratt	of	Albion Park
Dean Michael Wilton	of	Albion Park
Roy (Gus) Parton	of	Barrack Heights
Philip Bruce Sebbens	of	Barrack Heights
Dino (Davide) Carta	of	Mount Warrigal
William Allan (Bill) Dare	of	Mount Warrigal
Jack Dori	of	Mount Warrigal
Manuela Pro	of	Mount Warrigal
Patrick Peter (Paddy) Rabbitte	of	Oak Flats
Glenn Colin (Powelly) Powell	of	Oak Flats
Bruce Greig	of	Shellharbour
Joseph Borg	of	Warilla
Robert Arthur Goode	of	Warilla
John Leslie (Kelso) Kelsey	of	Warilla
Robert Donald Lee	of	Warilla

The Mayor acknowledged that Mr Bruce Greig was the Deputy Mayor's father-in-law.

183 A Motion of condolence was passed by all present standing in one minutes silence.

7. Presentations

Nil

8. Mayoral Minutes

Nil

9. Councillors' Reports

Nil

10. General Manager's Office

Nil

11. Operations & Services Division

11.1 Bollards on Median - Lake Entrance Road, Oak Flats (8532828)

184 RESOLVED: Stewart/Jeffreys

That this item be deferred to the next meeting for further consultation between Ward B Councillors and Council officers.

11.2 Assignment of Lease - Shellharbour Country Kitchen - 10 Addison Street, Shellharbour (8533804)

In reply to a question from Councillor Bailey regarding the rental, the Corporate Solicitor – Manager Legal and Property Services advised that it is a requirement that an independent valuation is obtained when a lease is entered into. This did occur when the lease was drawn up and at that time the rent was determined to be appropriate market value rent. The lease expires on 30 June 2007 and at that time the terms of the lease will be reviewed and a new independent valuation obtained as required.

185 RESOLVED: Greig/Leedham

1. That Council assign the lease for Part Lot 1 DP 745795, 10 Addison Street, Shellharbour from Alexander Hudson and Sally Nicholas to Carol Lee Testa and Lindsey Anne Crofts.
2. That the Seal of Council be affixed on the documentation associated with the assignment of the lease.

11.3 GST Certificate (8533073)

186 RESOLVED: Hawker/Gillett

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

11.4 Affixing Council Seal to the lease agreement with The Shell Company of Australia Limited (8535240)

187 RESOLVED: Bird/Hawker

That Council resolve to affix the Seal of Council to the lease agreement with The Shell Company of Australia Limited for the occupation of Lot 420 DP 773124, Airport Road, Albion Park Rail.

12. Community Planning & Strategies Division

Nil

13. Shell Cove Business Division

Nil

14. Committee Recommendations

14.1 Recommendations from the Economic Development Advisory Committee Meeting held 5 April 2006 recommended for adoption.

The Mayor requested that the General Manager address the meeting regarding the recommendation of the Economic Development Advisory Committee for investigation of a system of fast tracking development applications for large projects which have significant economic and/or employment generating benefits.

The General Manager stated that in order to facilitate Council's resolve to encourage economic development in the city there are significant benefits that can be realised by streamlining the development application process for large projects which have significant economic and/or employment generating benefits.

He acknowledged that there will be critics of such a system which might be seen as giving preferential treatment to some developers over others. The counter argument is that large development applications with the potential to produce employment opportunities should be given a higher priority and assisted in getting projects before Council as soon as possible thereby avoiding unnecessary "blow-outs" in costs that delays in processing can bring. He added that it would be preferential treatment not preferential approval.

A policy would be developed and normal processes followed including placing the policy on public exhibition and bringing it to Council for adoption.

188 RESOLVED: Greig/Hawker

That the Recommendations from the Economic Development Advisory Committee Meeting held 5 April 2006 be adopted.

15. Notices of Rescission Motion

Nil

16. Notices of Motion

16.1 Notice of Motion submitted by Councillors Mifsud and Rose (8535177)

189 RESOLVED: Mifsud/Bailey

That Council investigate alternative methods of notifying adjoining landowners of development applications submitted to Council, for example – registered mail, and that a report be provided back to Council.

17. Items for Information

17.1 Investments (8534373)

190 RESOLVED: Hawker/Greig

That the item for information be received and noted.

18. Questions without Notice

- 191 Councillor Stewart** requested advice on the size of the parcel of land set aside for accommodation at Shellharbour Links and if possible the value of the land.

The General Manager stated that the question regarding the size would be taken on notice; he said it would be inappropriate given that we are calling for expressions of interest, to discuss a likely value.

- 192 Councillor Stewart** asked was Mr Linskey given any inducements to leave the golf course.

The General Manager advised that is something that Council would not know, but there was no inducement from Council.

- 193 Councillor Jeffreys** requested that Council limit the amount of letterhead use with aim of cutting costs. She asked that the Public Participation rules currently provided on each Business Paper be omitted and that a single copy be placed under Councillor's desks at the Chambers for reference. Also that the public copies of the business papers also have the Public Participation rules omitted and a separate copy of the rules be available for reference by the public at the Chambers instead.

- 194 Councillor Hore** stated that local Advertiser and Lake Times newspapers being delivered to homes are often being left on lawns and footpaths and not in letter boxes. He asked that a letter be sent to the distributors requesting them to comply with regulations..

- 195 Councillor Bird** advised that he had attended the local Aboriginal Network meeting and was requested to see if Council could provide someone to attend a conference to speak regarding using the Elsa Dixon Program.

- 196 Councillor Mifsud** expressed thanks on behalf of himself and Councillor Rose to council staff and all involved for the work done at Caroline Chisholm Park in preparation for the Anzac Day service.

The Mayor commented that he was encouraged by attendance at the Anzac services and the preparation of the facilities by council officers at Caroline Chisholm Park and at Shellharbour City Memorial.

- 197 Councillor Mifsud** again advised that bins had been dumped in Shellharbour Pool. He requested that when bins are serviced that they be locked in place

- 198 Councillor Mifsud** advised that he had received complaints regarding lack of public toilets in Addison Street and signage directing visitors to the nearest public toilets. He asked that improvements be investigated.

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199 Councillor Mifsud advised that he had attended a meeting of residents regarding antisocial behaviour in Wollongong Street and Barrack Point. He asked if Council could look at ways to improve the situation particularly with regard to high speed driving in back streets.

200 Councillor Mifsud commented that it appears building work at a site opposite Shellharbour Beach Hotel in Addison Street, Shellharbour has stopped. He asked that the reason for this be investigated.

201 Councillor Mifsud asked that a reduction in parking time limit outside the Post Office and chemist in Shellharbour Village be reduced to 10-15 minutes.

202 Councillor Mifsud advised that parts of the footpath in Addison Street, Shellharbour need repair and asked that this be attended to.

203 Councillor Mifsud asked for advice about changes currently occurring at the roundabout opposite the public school at Shell Cove.

The Commercial Manager advised that safety concerns were raised regarding visibility for cars and pedestrians at the roundabout. Consequently the roundabout has been redesigned and the current work relates to installation of the new design.

204 Councillor Mifsud requested that the next Council meeting deal with concerns regarding the lease with Shellharbour Links. He stated that he believed it needed to be addressed at an open council meeting where every councillor has an opportunity to express concerns and ask questions of Council staff. He requested an evaluation from an independent solicitor.

The Mayor replied that he understood "where Councillor Mifsud was coming from" and he would discuss the request with council officers.

205 Councillor Bailey asked whether the building at Skiway Park can be utilised for public meetings.

The Director Operations & Services advised that substantial works are needed to bring the building up to a standard suitable for holding meetings etc. Significant costs would be involved which we do not have at the moment. He advised that he will provide a report to Council when appropriate.

206 Councillor Bailey asked whether it is permissible for councillors to stand up to speak during meetings as the General Manager frequently stood to address Council.

The Mayor advised that it is an individual councillor's prerogative to stand to address the meeting if they would like to.

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- 207 Councillor Briggs** advised that he had been asked to pass on appreciation and congratulations from Warilla RSL sub-branch to Council staff for the preparation of Caroline Chisholm Park and the Shellharbour City Memorial and to advise Council that, because of the beautification works, the sub-branch will look forward to an annual event in Shellharbour township.
- 208 Councillor Briggs** advised that he had received appreciative comments from visitors about the condition of parks and the foreshore. He advised that one matter of concern was algae washed up on the shore at the boat harbour. He asked whether it could be cleaned up from the beach.
- 209 Councillor Hawker** asked that the alleged problems at the Albion Park Skate Park be investigated.

The Mayor reintroduced Councillor Mifsud's question regarding Shellharbour Links.

Note: The General Manager advised that, further to Councillor Mifsud's request regarding the Links Golf Club, that the Code of Meeting Practice does not require officers to answer questions without notice on the spot but they endeavour to whenever possible. If Councillor Mifsud is asking for another legal opinion, which would be the third legal opinion obtained, it can be arranged. He stated that he would not allow his staff to be subjected to public cross-examination on the spot without notice and contrary to Council's Code.

The Mayor added that we have had several open meetings and been through the issue in detail relating to Mr Linskey leaving the golf club. He advised that the proper procedure if councillors have questions is that they be put in writing and we will endeavour to answer. If constituents have questions they should also put them in writing and allow Council to respond.

19. Late Items of Business / Urgent Business (as introduced by the Chairperson)

Meeting closed 8.10 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 23 May 2006

General Manager

Chairperson