

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

**held at the Council Administration Centre, Shellharbour City Centre  
on Tuesday 14 July 2009 commencing at 6.00 pm**

**Present**

Administrator

Mr D Jesson

**In attendance**

General Manager  
Director of Operations & Services  
Director of Community Planning & Strategies  
Director Shell Cove Business Unit  
Group Manager Corporate Services  
Manager Executive Offices  
Manager Media & Communications  
Acting Manager Development Services  
Senior Development Assessment Officer  
Executive Assistant

B A Weir  
A Webster  
P O'Rourke  
P Woodcock  
T Gearon  
F MastroDomenico  
N East  
C Bern  
G Meredith  
L Davey

**1. Acknowledgement to Country**

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

**2. Confirmation of Minutes**

**2.1 Ordinary Meeting 30 June 2009**

115 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 30 June 2009 as circulated be taken as read and confirmed as a correct record of proceedings.

**2.2 Extraordinary Meeting 30 June 2009**

116 RESOLVED:

That the Minutes of the Extraordinary Council Meeting held on 30 June 2009 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 Dennis John Clarke	of	Albion Park
Mrs Meta (Erena) Gibson	of	Albion Park
Mrs Vera Lorenzetti (Cafe)	of	Albion Park

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Mrs Danielle Johnstone	of	Albion Park Rail
Mrs Constance (Connie) McHugh	of	Albion Park Rail
Mr Jerzy (George) Silarski	of	Barrack Heights
Mr Franze Lange	of	Barrack Heights
Mr Ken Gaudry	of	Barrack Point
Mrs Aleksandra Trajcevska	of	Blackbutt
Mrs Sandra May Holmes	of	Mt Warrigal
Mrs Trude Zeiser	of	Oak Flats
Mrs Annie Curran	of	Warilla

117 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 Review of restriction of Access to documents: Section 12 of the Local Government Act 1993	Susan Moran
12.2.4 Shellharbour City Anglican Church: Occupation agreement for vacant space in the Warilla Council Chambers building	Bernie Payne

### 8. Adjournment – Consideration of Addresses to Council

**Meeting adjourned at 6.18 pm**

**Meeting resumed at 6.30 pm**

**9. Administrator's Statements / Reports / Presentations**

The Administrator outlined the functions he had attended since the Council Meeting of 30 June 2009.

118 RESOLVED:

That standing orders be suspended to enable the Council to consider a MOTION congratulating the General Manager Mr Brian Weir on receipt of his Public Service Medal.

119 RESOLVED:

That Council formally extend its congratulations to its General Manager Mr Brian Weir on his award of the Public Service Medal for his "outstanding public service to the community of Shellharbour" including local government and sport and in doing so the Council recognise his considerable contribution to the Shellharbour City Council which has been characterised by his honesty, integrity and commitment to the Shellharbour community and further that the Council acknowledge that his contribution has included:

- the establishment of the Shellharbour City Centre to provide a commercial "heart" to the local government area.
- the development of high quality sporting facilities including the Croom Sporting Complex and Shellharbour City Stadium.
- managing the Council's organisational structure at the historic time as the City metamorphosed from a semi-rural area to a rapidly growing regional city.
- conceptualising, shaping, implementing and managing the Shell Cove Project which is the largest residential/tourist development undertaken by a local government authority in Australia from its inception in the early 1990's and which continues to be one of the foci of his attention today.
- reducing the City's debt to zero and acquiring significant land holdings.

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

Nil

**11. Administrator's Minutes**

**11.1 Code of Meeting Practice: Proposed Amendment (9135412)**

120 RESOLVED:

1. That the following proposed amendments to the Council's adopted Code of Meeting Practice be publicly exhibited for a period of 28 days:

- (1) Clause 13 Addresses to Council

- (a) Insert before the existing clause 13.3.7:

13.3.7 If the Chairperson of a Council meeting considers that a member of the public is behaving inappropriately when addressing a Council meeting the Chairperson may request the person to refrain from the inappropriate behaviour. If the member of the public fails to refrain from the inappropriate behaviour whilst addressing the Council meeting the Chairperson may immediately require the person to stop speaking and despite any other provision of clause 13 may prohibit that person from addressing the current and/or any future Council meeting for such period as the Chairperson thinks fit. *Policy*

13.3.8 If the Chairperson of a Council meeting considers that a member of the public has made inappropriate comments when addressing a Council meeting the Chairperson may request the person to withdraw the inappropriate comments and unreservedly apologise for them. If the member of the public fails to withdraw the inappropriate comments and/or to unreservedly apologise for them the Chairperson may immediately require the person to stop speaking and despite any other provision of clause 13 may prohibit that person from addressing the current and any future Council meeting until such time as the inappropriate comments are withdrawn and an unreserved apology is made for them in writing to the Council. *Policy*

13.3.9 A Councillor may, without notice, move to dissent from the ruling of the Chairperson in relation to the period that a member of the public is prohibited from addressing any Council meeting. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent. If a motion of dissent under this clause is carried a further motion proposing a

different period of prohibition must be moved and seconded.

13.3.10 A Councillor is unable to move dissent from a ruling if the Chairperson has required a person making inappropriate comments to withdraw them and to unreservedly apologise for them prior to addressing the current or any future meeting.

13.3.11 During the period that a person is prohibited by the Chairperson from addressing a Council meeting that person shall not be able to register under clause 13.2 to address a Council meeting.

(b) Renumber existing clauses 13.3.7 and 13.3.8 to 13.3.12 and 13.3.13 respectively.

2. That the public notice of the proposed amendments to the Council's adopted Code of Meeting Practice specify a period of 42 days after the date on which the proposed amendments are placed on public exhibition during which submissions may be made to the Council.
3. That following the end of the period during which submissions may be made to the Council a report be presented to the Council detailing any submissions received for consideration.

## **12. Reports**

### **12.1 General Manager's Office**

### **12.2 Operations & Services Division**

#### **12.2.1 Review of restriction of access to documents: Section 12 of the Local Government Act 1993 (9130390)**

121 RESOLVED:

1. That Council note this report in accordance with S12A of the *Local Government Act 1993*.
2. That Council continue to restrict access to the annual programs less than seven years old, monthly reports and the feasibility studies referred to in the Shell Cove Management Agreement between Council and Australand Corporation (NSW) Pty Ltd until such time as the commercial in confidence information they contain is no longer relevant.

3. That Council release Annual programs greater than seven years old on an ongoing basis and as advised by Australand Corporation (NSW) Pty Ltd to no longer be "commercial in confidence"

**12.2.2 Lot 1000 DP 880969: NSW Fire Brigade: Extension of lease term over subdivided lot (9130444)**

122 RESOLVED:

1. That Council enter into two further consecutive five year lease agreements with the Minister for Emergency Services (New South Wales Fire Brigades) for occupation of part Lot 2001 DP 1132715 being Lot 1000 DP 880969 commencing 14 April 2017 and terminating on 13 April 2027.
2. That the Administrator and General Manager be authorised to sign the lease agreement under Council Seal.

**12.2.3 Department of Education & Training: Renewal of lease for occupation of part Warilla Council Chambers building (9129948)**

123 RESOLVED:

1. That Council acknowledge the Option of the State Property Authority (formerly Department of Education and Training) and renew the lease agreement for the occupation of part Lot 2 DP 833735 (Warilla Council Chambers) for a period of two years at a rental of \$84,000 per annum plus GST
2. That the Administrator and General Manager be authorised to sign the lease agreement under Council Seal.

**12.2.4 Shellharbour City Anglican Church: Occupation agreement for vacant space in the Warilla Council Chambers building (9130466)**

124 RESOLVED:

That Council grant approval to the Shellharbour City Anglican Church to enter into a twelve (12) month occupation agreement to occupy space at the Warilla Council Chambers building at a rental of \$150.00 per week plus GST.

**12.2.5 Requests for Donation (9121749)**

125 RESOLVED:

That Council donate the following contributions totalling \$3,315:

- |  |         |
|--|---------|
| 1. St Paul's Primary School –<br>Primary Schools Basketball Championships                              | \$250   |
| 2. St Joseph's High School –<br>Prizes for regional schools "Literary Luncheon"                        | \$200   |
| 3. Healthy Cities Illawarra Inc. –<br>Sponsorship of Awards Ceremony                                   | \$200   |
| 4. Illawarra Women's Health Centre –<br>Anti-discrimination promotion                                  | \$1,500 |
| 5. Katie Richardson – Ronald McDonald House -<br>Reimbursement of Local Approval Fee for charity event | \$165   |
| 6. Shellharbour Albion Park Events -<br>Costs associated with Kidsfest Festival events                 | \$1,000 |

**12.3 Community Planning & Strategies Division**

Nil

**12.4 Shell Cove Business Division**

Nil

**13. Committee Recommendations**

**13.1 Recommendations from the Disabilities Services Advisory Committee Meeting held 10 June 2009 recommended for adoption.**

126 RESOLVED:

That the Recommendations from the Disabilities Services Advisory Committee Meeting held 10 June 2009 be adopted.



**13.2 Recommendations from the Shellharbour Traffic Committee Meeting held 1 July 2009 recommended for adoption.**

127 RESOLVED:

That the Recommendations from the Shellharbour Traffic Committee Meeting held 1 July 2009 be adopted.

**14. Items for Information**

Nil

**15. Notices of Rescission/Alteration Motions**

Nil

**16. Notices of Motion**

Nil

**17. Questions without Notice**

Nil

**18. Questions on Notice**

Nil

**19. Urgent Business**

Nil

**20. Committee of the Whole in Closed Session: Adjournment**

Nil

**21. Committee of the Whole: Consideration of Adoption of Decisions Reached in Closed Session**

Nil

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**22. Committee of the Whole: Consideration of Declassification of Reports**

Nil

**Meeting closed 6.52 pm**

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 4 August 2009.

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General Manager

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Chairperson