

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

**held at the Council Administration Centre, Shellharbour City Centre  
on Tuesday 13 October 2009 commencing at 6.00 pm**

**Present**

Administrator

Mr D Jesson

**In attendance**

General Manager

B A Weir

Director of Operations & Services

A Webster

Acting Director of Community Planning & Strategies

G Hoynes

Director Shell Cove Business Unit

P Woodcock

Manager Executive Offices

F MastroDomenico

Executive Assistant

D Arney

Executive Assistant

J Frasca

Corporate Solicitor

B McCann

Group Manager Customer & Environmental Services

G Standen

Group Manager Community Services

M Forland

Acting Manager Development Services

G Meredith

Community Planner

J Brady

Media Officer

R Payne

## **1. Acknowledgement to Country**

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

### **Webcasting**

#### **Administrator's Comment**

The public gallery should note that Council webcasts its Council Meetings live to enhance the accessibility of Council Meetings to the broader Shellharbour City Community.

Council Meetings can now be viewed live via webcast, downloaded from Council's website for later viewing, or purchased from Council for viewing on a computer.

At the appropriate time during the meeting pre registered or invited members of the gallery may Address the Council at which time their image, comments or submissions will be broadcast live and recorded.

Council accepts no responsibility for any defamatory or offensive statements.

Please ensure that mobile phones and other electronic devices are turned off or are in silent mode for the duration of the meeting.

#### **Request for withdrawal of comments and unreserved apology from member of the public for act of disorder**

The Administrator called on Mr Bernie Payne to withdraw comments made by Mr Payne at the Ordinary Meeting of Council on 4 August 2009, and to apologise unreservedly to the Meeting for those comments.

Mr Payne stated that he did not recall the nature or content of the comments because of recent ill health and asked the Administrator to repeat them to him.

The Administrator declined to verbally repeat the comments as they were offensive and directed a staff member to hand Mr Payne the Administrator's hand-written copy of the comments. Mr Payne refused to give the written comments back to the staff member until he had taken a copy of the comments.

Mr Payne refused to offer an unreserved apology and withdrawal, as required under the Local Government Act.

184 RESOLVED:

That Mr Bernie Payne be expelled from the Meeting for disorder

Mr Payne refused to leave the Chamber.

The Administrator stated that a five minute adjournment would occur to give Mr Payne the opportunity to leave the Chamber. He stated that if Mr Payne continued to refuse to leave the Chamber he would resolve for a further, longer, adjournment which would regrettably inconvenience all others attending and all because of Mr Payne's poor behaviour.

185 RESOLVED:

That the Meeting be adjourned for five minutes.

**Meeting adjourned at 6.22pm**

**Meeting resumed at 6.28pm**

Mr Payne left the Meeting during the adjournment.

### **Confirmation of Minutes**

#### **2.1 Ordinary Meeting 15 September 2009**

186 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 15 September 2009 as circulated be taken as read and confirmed as a correct record of proceedings.

#### **2.3 Extraordinary Meeting 15 September 2009**

187 RESOLVED:

That the Minutes of the Extraordinary Council Meeting held on 15 September 2009 as circulated be taken as read and confirmed as a correct record of proceedings.

### **3. Apologies / Leave of Absence**

Nil

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### 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 Bob Perry	of	Albion Park
Mr Doc Watson	of	Albion Park
Mr Patrick Scanlan	of	Albion Park
Mr Keiran Craig Kelso	of	Albion Park
Mr Victor Joseph Nichols	of	Albion Park
Mr Henry William Collier	formerly of	Albion Park
Mrs Elizabeth (Lizzie) Foye	of	Albion Park Rail
Mr Hans Wietreich	of	Barrack Heights
Mr Jeffo Tungai	of	Barrack Heights
Mrs Joyce Frank	of	Barrack Heights
Mr (Sergant) Harold Wilmott	of	Barrack Heights
Mrs Mandy Jean Dellit-Courtney	of	Barrack Heights
Mr Coby Allen	of	Lake Illawarra
Mrs Dorothy June (Dot) Stafford	of	Lake Illawarra
Mr Raymond Habib Jabr	of	Lake Illawarra
Mr Cvetko (Charlie) Simonovski	of	Mt Warrigal
Mrs Rose Gloria Phelps	of	Mt Warrigal
Mrs Isabel Kelly	of	Oak Flats
Mr Kurt Rauch	of	Oak Flats

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Mrs Beryl Voilet (nee Brisbane) Warrington	of	Shellharbour
Mrs Betty Edith Pearson	of	Shellharbour
Mrs Gay Cherie Bates	of	Shellharbour
Mrs Robyn Osmond	of	Shellharbour
Mrs Elizabeth Joyce Alexander	formerly of	Shellharbour
Mr Gordon (Mick) Clark	of	Warilla
Mrs Margaret Helen Bartlett	of	Warilla
Mrs Doreen May Barker	formerly of	Warilla
Mr Graham Leslie Templeman	formerly of	Warilla

188 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 DA No 107/2009 - Lot 5, DP 238804, 29 Addison Street, Shellharbour - Alterations and Additions to an Existing Commercial Building for Spa Semiyahn Tenancy	Geoff Rose
12.2.3 Aquatic Facilities Working Party	Helen Stewart

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

**Meeting adjourned at 6.44pm**

**Meeting resumed at 7.00pm**

**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 Minutes of Southern Councils Group 4th Business Meeting of 11 September 2009 (9177579)**

189 RESOLVED:

That Council endorse the minutes of the Southern Councils Group 4<sup>th</sup> Business Meeting held on 11 September 2009, as attached.

**12.2 Operations & Services Division**

**12.2.1 DA No. 107/2009 - Lot 5, DP 238804, 29 Addison Street, Shellharbour - Alterations and Additions to an Existing Commercial Building for Spa Semiyahn Tenancy (9176272)**

190 RESOLVED:

That the Council determine the review under Section 82A of the *Environmental Planning & Assessment Act 1979* by approving Development Application No. 107/2009 for alterations and additions to an existing commercial building for Spa Semiyahn tenancy at Lot 5, DP 238804, 29 Addison Street, Shellharbour under Section 82A of the *Environmental Planning & Assessment Act 1979* subject to the 25 conditions following the conclusion.

**12.2.2 Tullimbah Village: Proposed Modifications to Building Design Guidelines - Stages 1B1, 1B6, 1B2-1B5 (9178621)**

191 RESOLVED:

That the Council approve the modified layout and text for Stages 1B1-1B6 of the *Tullimbah Village Building Design Guidelines* for Stages 1B1 to 1B6 inclusive.

**12.2.3 Aquatics Facilities Working Party (9180643)**

192 RESOLVED:

1. That the Council Resolve not to form an Aquatic Facilities Working Party and instead follow the Community Engagement Policy to seek community input into the review of Council's aquatics facilities at the appropriate time.
2. At the appropriate time the Council appoint an Aquatics Facility Committee to further address/consult in keeping with Council policy and progress the matter of an aquatic facility in the City. Further that any such committee will have no decision making power or authority.

**12.2.4 Positive Working Relationships and Acceptable Behaviour Draft Policy; Code of Conduct: Proposed Adoption of Draft Policy and Amendments to the Code (9179187)**

193 RESOLVED:

1. That Council adopt the draft Positive Working Relationships and Acceptable Workplace Behaviour Policy.
2. That Council adopt the following additions to the Code of Conduct:
  - a) The following second paragraph be added to Clause 6.7  
*"Further provisions relating to bullying, harassment and acceptable workplace behaviour are provided for in Clause 9.9 of this Code."*
  - b) The following heading be inserted after Clause 9.8  
*"Positive Working Relationships and Acceptable Workplace Behaviour Policy"*

And the following clause be inserted after this heading:

*"9.9 On 13 October 2009 Council adopted the Positive Working Relationships and Acceptable Workplace Behaviour Policy.*

*The purpose of this policy is to provide information and set boundaries for employees, Councillors, consultants and volunteers on appropriate and acceptable behaviour in the workplace.*

*This policy applies to the Mayor, Councillors, and all employees of Council. As well, the policy applies to contractors and volunteers working for and on behalf of Council in any capacity."*

- c) A new clause be inserted in front of the current Clause 11.7, being numbered as 11.7 and the following clauses renumbered as 11.8 to 11.10 accordingly:

*"11.7 Staff making complaints under the Code of Conduct should follow the Internal Complaints Procedure."*

- d) The following second paragraph be added to Clause 12.3:

*"Where a complaint is made by a member of staff the Internal Complaints Procedure will apply."*

## **12.3 Community Planning & Strategies Division**

### **12.3.1 Grant for the Purchase of a Performance Trailer (9173098)**

194 RESOLVED:

1. Council accept the grant of \$28,950 from the NSW Department of Community Services Area Assistance Scheme for the purchase of a performance trailer.
2. That the 2009/2010 budget be amended accordingly.



**12.3.2 Tom Strong Reserve, Warilla Beach: Extension of Prohibited Zone (Alcohol) and Alcohol-Free Zone (9181269)**

195 RESOLVED:

That Council extend the Tom Strong Reserve Alcohol-Free Zone and Prohibited Zone to include the area beginning at the Elliot Lake break wall to the eastern car park of Reddall Reserve, following:

1. Consultation to the extent necessary as provided for in Council's Community Engagement Policy, and
2. Advertisement of the proposal in the "Lake Times", on Council's website and within Council's Administration Building and Libraries, and
3. Declaration of its establishment in the Lake Times, effective seven days after the Declaration is advertised, subject to objection that may arise from parts 1 and 2 above, and
4. That Council erect notices prohibiting the consumption of alcohol, in accordance with the proposal described in this report, when the required Declaration of the establishment of the AFZ and Prohibited Zone can be made.

**12.3.3 Draft Shellharbour City Council Social Plan 2009-2011 (9181261)**

196 RESOLVED:

1. That Council endorse the Draft Shellharbour City Council Social Plan 2009 - 2011 for the purposes of community consultation and feedback in accordance with Council's Community Engagement Policy.
2. That a report be submitted back to Council on the outcomes of the Community Engagement Process and appropriate recommendations for finalisation.

**12.4 Shell Cove Business Division**

Nil

**13. Committee Recommendations**

**13.1 Recommendations from the Aboriginal Advisory Committee Meeting held 8 September 2009 recommended for adoption.**

197 RESOLVED:

That the Recommendations from the Aboriginal Advisory Committee Meeting held of 8 September 2009 be adopted.

**13.2 Recommendations from the Disabilities Services Advisory Committee Meeting held 23 September 2009 recommended for adoption.**

198 RESOLVED:

That the Recommendations from the Disabilities Services Advisory Committee Meeting held of 23 September 2009 be adopted.

**14. Items for Information**

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

Nil

**16. Notices of Motion**

Nil

**17. Questions without Notice**

**18. Questions on Notice**

**19. Urgent Business**

**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

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

**Meeting closed 7.18 pm**