

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

**held at the Council Administration Centre, Shellharbour City Centre  
on Tuesday 01 June 2010 commencing at 3.00 pm**

**Present**

Administrator

Mr D Jesson

**In attendance**

General Manager	B A Weir
Director of Operations & Services	A Webster
Director Shell Cove Business Unit	P Woodcock
Group Manager Development & Technical Services	M Boenisch
Group Manager Corporate Services	T Gearon
Corporate Solicitor	B McCann
Manager Media & Communications	N East
Manager Environment & Recreation	M Fields
Manager Property	D Flanagan
Manager Executive Services / Public Officer	F MastroDomenico
Manager Development Services	G Meredith (part)
Media Officer	R Payne
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.

**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 11 May 2010**

89 RESOLVED:

That this item be considered later in the meeting following the Adjournment to consider Addresses to Council (refer to Minute No 94).

**2.2 Extraordinary Meeting 18 May 2010**

90 RESOLVED:

That the Minutes of the Extraordinary Council Meeting held on 18 May 2010 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.

Council, since its last meeting, has learned with genuine regret of the passing of the following members of our community:

Mr Angelo Stojanow	of	Albion Park
Mr Lloyd (Bub) King	of	Albion Park
Mrs Maureen (Maur) Mouttou	of	Albion Park
Mr Miklos (Mick) Deak	of	Albion Park
Mrs Patricia (Pat) David	of	Albion Park
Mrs Betty Nolan	of	Albion Park Rail
Mr Rudolf (Rudi) Grgic	of	Albion Park Rail
Mr Wolfgang Lachermund	of	Albion Park Rail
Mrs Sheila Mather	of	Lake Illawarra
Mr Allen James Quinn	of	Mt Warrigal
Mr Colin Gomes	of	Mt Warrigal
Mr Granville (Les) Blok	of	Mt Warrigal
Mr James William (Bill) Moore	of	Oak Flats
Mr Robert Ernest Savage	of	Oak Flats
Mr Noel Manning Coombs	formerly of	Oak Flats
Mr Americo Scocca	of	Warilla
Mr Athol Mulley	of	Warilla
Mr Kevin James French	of	Warilla
Mr Manual Melgarejo	of	Warilla
Mr Ray Gill	of	Warilla
Mr Richard (Dick) Bailey	of	Warilla
Mr Phillip Reginald Collins	formerly of	Warilla
Mrs Regina Mikulec	formerly of	Warilla

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

### 7. Addresses to Council

Agenda Item No & Title	Name
2. Confirmation of Minutes 2.1 Ordinary Meeting 11 May 2010	Sonya McKay
12.1.1 Internal Audit Committee Membership	Sonya McKay Bernie Payne

As a result of inappropriate comments made by Mr Bernie Payne at the commencement of his address, the Administrator requested that Mr Payne withdraw his comments and apologise unreservedly. Mr Payne did so and continued his address.

Despite warnings from the Administrator, Mr Payne made further inappropriate comments during his address, which were deemed by the Administrator as being inappropriate. It was resolved as follows:

- 92 RESOLVED:

That Mr Bernie Payne no longer be heard.

That Mr Bernie Payne be prohibited from addressing the Council for any scheduled Council meeting for the calendar month of June under clause 13 of the Code of Meeting Practice.

As Mr Payne resumed his seat in the public gallery, he made further comments and the Administrator requested Mr Payne withdraw his comments and apologise unreservedly. Mr Payne made further comment that did not reflect the proper wording of an unreserved apology.

12.1.1 Internal Audit Committee Membership (cont)	Peter Moran Sue Moran
12.2.4 Lot 7004 DP 1028837 - Little Park Shellharbour - Proposed	Robert Lopich

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Licence Agreement for the Operation of Monthly Markets	
12.4.1 Shell Cove Quarterly Report	Bernie Payne (did not speak - refer to Minute No 92) Sue Moran

A late request from Ms Sonya McKay to address the Council in relation to Item 12.4.1 was not accepted by the Administrator.

### **8. Adjournment – Consideration of Addresses to Council (meeting not to resume until 4.00pm at the earliest)**

93 RESOLVED:

That the Council meeting be adjourned to enable it to consider matters raised during Addresses to Council.

**Meeting adjourned at 3.38 pm**

**Meeting resumed at 4.10 pm**

### **2. Confirmation of Minutes**

#### **2.1 Ordinary Meeting 11 May 2010**

94 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 11 May 2010 as circulated be taken as read and confirmed as a correct record of proceedings.

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

Nil

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

Nil

**11. Administrator's Minutes**

Nil

**12. Reports**

RESOLVED: That Item Nos 12.1.2, 12.2.1, 12.2.2, 12.2.3, 12.2.5, 13.1 and 13.2 be adopted as follows:

**12.1 General Manager's Office**

**12.1.2 Monthly Investment Report (9306474)**

95 That Council receive and note the attached Investment Portfolio report, as at 30 April 2010.

**12.2 Operations & Services Division**

**12.2.1 Development Application No. 64/2010 for Bulk Earthworks & Landscaping of a Riparian Corridor at Lot 270, DP 1146607, Pioneer Drive, Flinders (9298994)**

96 That the Council approve Development Application No. 64/2010 for Bulk Earthworks and the Landscaping of a Riparian Corridor at Lot 270, DP 1146607, Pioneer Drive, Flinders under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the conditions following the Conclusions section in this report.

**12.2.2 Adoption of Waste Management Strategy (9300901)**

- 97
1. That the Council adopt the *Waste Management Strategy*.
  2. That an advertisement be placed in a local newspaper notifying the community of the Council's decision to adopt the *Waste Management Strategy*.

**12.2.3 Adoption of Strategic Waste Action Plan (SWAP) (9300887)**

98 That the Council adopt the *Strategic Waste Action Plan* detailed in this report.

**12.2.5 Community Land Plans of Management (9306113)**

- 99 That the attached list of Draft Plans of Management for Community Land be tabled and made available for public inspection prior to a further report being presented to Council for formal adoption of the Draft Plans of Management.

**13. Committee Recommendations**

**13.1 Recommendations from the Aboriginal Advisory Committee Meeting held 4 May 2010 recommended for adoption.**

- 100 That the Recommendations from the Aboriginal Advisory Committee Meeting held 4 May 2010 be adopted.

**13.2 Recommendations from the Traffic Committee Meeting held 5 May 2010 recommended for adoption.**

- 101 That the Recommendations from the Traffic Committee Meeting held 5 May 2010 be adopted.

**12.1 General Manager's Office**

**12.1.1 Internal Audit Committee Membership (9303434)**

- 102 RESOLVED:

That Council appoint Ms Kylie McRae, Professor Michael Hough and Ms Janelle Bond as the independent members of the Shellharbour City Council Internal Audit Committee for a three year term (to conclude at the Extraordinary Meeting in September 2013).

**12.2 Operations & Services Division**

**12.2.4 Lot 7004 DP 1028837 - Little Park Shellharbour - Proposed Licence Agreement for the Operation of Monthly Markets (9306614)**

- 103 RESOLVED:

1. That Council enter into a licence agreement with the Shellharbour Village Business Chamber for the operation of a monthly market at Little Park Reserve, Shellharbour Village for a period of twelve months with an annual rental of \$412.00 plus GST. The market is to operate on the fourth Sunday of each month.
2. That the Administrator and General Manager be authorised to execute the licence agreement and associated documents under Council Seal.

**12.4 Shell Cove Business Division**

**12.4.1 Shell Cove Quarterly Report (9295216)**

104 RESOLVED:

That the quarterly report for the period 15 February 2010 to 23 May 2010 for the Shell Cove Project be received and noted.

**12.3 Community Planning & Strategies Division**

Nil

**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



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**21. Consideration of Motions to Declassify Reports Considered in Closed Session**

Nil

**Meeting closed 4.19 pm**