

**Minutes of the Extraordinary Meeting  
of Shellharbour City Council  
held at the Council Chambers, Council Administration Centre  
Shellharbour City Centre  
on Tuesday 17 September 2013 commencing at 7.43 pm**

**Present**

Mayor	M Saliba
Deputy Mayor	P Rankin
Councillor	K Marsh
Councillor	D Boyle
Councillor	H Stewart
Councillor	J Murray
Councillor	P Moran

**In attendance**

General Manager	M Willis
Director City Outcomes	C McIntyre
Director Corporate Policy	L Furness
Director Shellharbour Enterprises	B Green
Executive Manager / Public Officer	F MastroDomenico
Group Manager Finance	T Gearon
Group Manager City Development	G Meredith
Manager Environment	M Fields
Manager Property & Recreation	D Flanagan
Manager Risk Management Services	I Smith
Media Officer	C Lewis
Senior Executive Assistant (Minute Taker)	L Davey
Council Liaison Officer	J Frasca

**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 Comment**

The Mayor read the usual webcasting statement to the Meeting.

**2. Apologies / Leave of Absence**

Nil

**3. Confidential Business (Committee of the Whole)**

Nil

**4. Pecuniary Interest and Conflict of Interest Declarations**

Nil

**5. Addresses to Council**

<b>Agenda Item No &amp; Title</b>	<b>Name</b>
6.2 Method of Election of Mayor (9985413)	Sonya McKay
6.4 Election of Delegates to Council Committees and working Parties and Outside Committees and Organisations (9966057)	Sonya McKay
6.6 Review of Code of Meeting Practice (10001511)	Sonya McKay

**6. Reports**

**6.1 Ordinary Council Meeting Schedule - October 2013 - September 2014 (9985418)**

305 RESOLVED: Marsh/Stewart

That Council continue with the existing 3 week meeting cycle for the next 12 months (September 2014) and adopt the Council meeting dates as detailed as follows:

<b>Ordinary Council Meeting dates October 2013 – September 2014</b>			
<b>OCTOBER 2013</b> 8 October 29 October  <i>(LGA Conference 1-3 Oct; Labour Day 7 October)</i>	<b>NOVEMBER</b> 19 November	<b>DECEMBER</b> 10 December	<b>JANUARY 2014</b> No Meetings
<b>FEBRUARY</b> 4 February 25 February	<b>MARCH</b> 18 March	<b>APRIL</b> 8 April 29 April <i>(Easter 18/4-21/4)</i>	<b>MAY</b> 20 May
<b>JUNE</b> 10 June <i>(Queen's B'day 9 June)</i>	<b>JULY</b> 1 July 22 July	<b>AUGUST</b> 12 August	<b>SEPTEMBER</b> 2 September 23 September

CARRIED UNANIMOUSLY

**6.2 Method of Election of Mayor (9985413)**

306 RESOLVED: Murray/Marsh

That:

1. written nominations be called for the Office of Mayor for the period September 2013 - September 2014;
2. the method of election be by a show of hands;
3. thereafter, Council proceed with the election of the Mayor.

CARRIED UNANIMOUSLY

**Nominations**

The General Manager appointed the Executive Manager / Public Officer as Returning Officer for the election of Mayor.

The Executive Manager / Public Officer read out the nominations for Mayor in the order in which they were received.

Councillor Marsh        nominated by Councillors Marsh and Moran

Councillor Rankin        nominated by Councillors Stewart and Rankin

Councillor Saliba        nominated by Councillors Murray and Boyle

The Executive Manager/Public Officer (as Returning Officer) called for any further nominations.

No further nominations were received

**Vote**

The vote was then taken by a show of hands.

Marsh    (2)

Rankin    (2)

Saliba    (3)

The Executive Manager/Public Officer declared Councillor Saliba elected as Mayor for the term to September 2014.

**6.3 Method of Election of Deputy Mayor (9985524)**

307 RESOLVED: Murray/Rankin

That:

1. written nominations be called for the Office of Deputy Mayor for the period September 2013 - September 2014;
2. the method of election be by a show of hands;
3. thereafter, Council proceed with the election of the Deputy Mayor.

CARRIED UNANIMOUSLY

**Nominations**

The General Manager appointed the Executive Manager / Public Officer as Returning Officer for the election of Deputy Mayor.

The Executive Manager/Public Officer read out the nominations for Deputy Mayor in the order in which they were received.

Councillor Rankin nominated by Councillors Stewart and Rankin

The Executive Manager/Public Officer (as Returning Officer) called for any further nominations.

One further nomination was received:

Councillor Moran nominated by Councillors Moran and Marsh

**Vote**

The vote was then taken by a show of hands.

Rankin (5)

Moran (2)

The Executive Manager/Public Officer declared Councillor Rankin elected as Deputy Mayor for the term to September 2014.

**6.4 Election of Delegates to Council Committees and Working Parties and Outside Committees and Organisations (9966057)**

Councillor Moran asked when nominations will be called for the Community Representatives on the Illawarra Regional Airport Operations Working Party and the General Manager took the Question on Notice.

308 RESOLVED: Murray/Stewart

1. That the method of election of delegates to Council Committees, panels, working parties and outside committees and organisations be by a show of hands.
2. That Council appoint delegates to Council Committees, panels, working parties and outside committees and organisations as detailed in this report.
3. That the Mayor is confirmed as an ex-officio delegate to all Council Advisory Committees and Working Parties.

CARRIED UNANIMOUSLY

**COUNCIL ADVISORY COMMITTEES**

**AUSTRALIA DAY/SPECIAL PROMOTIONS COMMITTEE**

**Delegates:**

Mayor Councillor Marianne Saliba  
Councillor Kellie Marsh  
Councillor Peter Moran

**Alternate Delegate:**

Nil

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**SHELLHARBOUR ABORIGINAL ADVISORY COMMITTEE**

**Delegates:**

Mayor Councillor Marianne Saliba  
Councillor Helen Stewart  
Councillor Peter Moran  
Councillor Kellie Marsh

**Alternate Delegate:**

Nil

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**DISABILITY ACCESS COMMITTEE**

**Delegates:**

Mayor Councillor Marianne Saliba  
Councillor Helen Stewart

**Alternate Delegate:**

Nil

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**ILLAWARRA REGIONAL AIRPORT MANAGEMENT ADVISORY COMMITTEE**

**Nominations**

The following nominations were received for the Alternate Mayor's Delegate:

Councillor Boyle  
Councillor Marsh

**Vote**

The vote was then taken by a show of hands.

Boyle (4)

Marsh (3)

The Mayor declared the following Councillors elected as the Delegates:

**Council Delegates:**

Councillor John Murray (Mayor's delegate)  
General Manager (or delegate)

**Alternate Mayor's Delegate:**

Councillor David Boyle

**COUNCIL GOVERNANCE PANELS**

**SHELLHARBOUR CITY COUNCIL GOVERNANCE, RISK & AUDIT COMMITTEE**

**Council Delegates:**

Mayor (ex-officio as observer only or as second councillor delegate)  
Councillor Peter Moran  
Councillor John Murray

The Mayor declared the above-mentioned Councillors elected as the Delegates.

## **GENERAL MANAGER'S PERFORMANCE REVIEW PANEL**

### **Nominations**

The following nominations were received for the Councillor Delegate:

Councillor Murray  
Councillor Marsh

### **Vote**

The vote was then taken by a show of hands.

Murray (4)

Marsh (3)

The Mayor declared the following Councillors elected as the Delegates:

#### **Council Delegates:**

Mayor (Councillor Marianne Saliba)  
Deputy Mayor (Councillor Paul Rankin)  
Councillor John Murray

Note: The General Manager indicated that he had chosen not to exercise the option of choosing a council representative at this stage, however he reserved the right to do so in the future.

## **CONDUCT REVIEW COMMITTEE**

#### **Council Delegates:**

Mayor (Councillor Marianne Saliba)  
General Manager

The Mayor confirmed the above-mentioned Delegates to the Conduct Review Committee.



**MISCELLANEOUS COUNCIL COMMITTEES EXTERNAL**

**SHELLHARBOUR TRAFFIC COMMITTEE & COUNCIL DEVELOPMENT ADVISORY COMMITTEE (CDAC)**

**Council Delegate:**

Councillor Helen Stewart

**Alternate Delegate:**

Councillor Paul Rankin

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**ELLIOTT LAKE - LITTLE LAKE FLOODPLAIN MANAGEMENT COMMITTEE**

**Council Delegates:**

Mayor (ex-officio)

Councillor David Boyle

**Alternate Delegate:**

Councillor Paul Rankin

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**HORSLEY CREEK FLOODPLAIN MANAGEMENT COMMITTEE**

**Council Delegates:**

Mayor (ex-officio)

Councillor Kellie Marsh

**Alternate Delegate:**

Councillor Paul Rankin

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**MACQUARIE RIVULET FLOODPLAIN MANAGEMENT COMMITTEE**

**Council Delegates:**

Mayor (ex-officio)

Councillor Kellie Marsh

**Alternate Delegate:**

Councillor Paul Rankin

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**WESTPOOL / UNITED INDEPENDENT POOLS (UIP) BOARD(S)**

**Nominations**

The following nominations were received for the Alternate Councillor Representative:

Councillor Murray  
Councillor Marsh

**Vote**

The vote was then taken by a show of hands.

Murray (4)

Marsh (3)

The Mayor declared the following Councillors elected as the Delegates:

**Council Delegates:**

Mayor (Councillor Marianne Saliba)  
General Manager

**Alternate Representative:**

Councillor John Murray

**WORKING PARTIES**

**SPORTS & RECREATION WORKING PARTY**

**Council Delegates:**

Mayor Councillor Marianne Saliba  
Councillor Paul Rankin  
Councillor Helen Stewart  
Councillor David Boyle

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**AQUATIC FACILITIES WORKING PARTY**

**Council Delegates:**

Councillor Paul Rankin  
Councillor David Boyle  
Councillor Helen Stewart

The Mayor declared the above-mentioned Councillors elected as the Delegates.

## **ILLAWARRA REGIONAL AIRPORT OPERATIONS WORKING PARTY**

### **Nominations**

The following nominations were received for the fourth Councillor Delegate:

Councillor Rankin  
Councillor Marsh

### **Vote**

The vote was then taken by a show of hands.

Rankin (4)

Marsh (3)

The Mayor declared the following Councillors elected as the Delegates:

#### **Council Delegates:**

Councillor Paul Rankin  
Councillor David Boyle  
Councillor John Murray  
Councillor Helen Stewart

## **FINANCIAL ASSISTANCE WORKING PARTY**

#### **Council Delegates:**

All Councillors

The Mayor declared the above-mentioned Councillors elected as the Delegates.

## **SHELLHARBOUR CITY HUB - PROJECT CONTROL GROUP**

### **Nominations**

The following nominations were received for the two Councillor Delegates:

Councillor Murray  
Councillor Stewart  
Councillor Moran

### **Vote**

The vote was then taken by a show of hands.

## **SHELLHARBOUR CITY COUNCIL**

Extraordinary Council Meeting - Tuesday 17 September 2013

---

Murray (3)

Stewart (3)

Moran (2)

(Note: As the vote was for two Councillor Delegates, each Councillor is entitled to two votes)

The Mayor declared the following Councillors elected as the Delegates:

### **Council Delegates:**

Mayor Councillor Marianne Saliba

Councillor John Murray

Councillor Helen Stewart

## **ALBION PARK TOWN CENTRE - PROJECT CONTROL GROUP**

### **Council Delegates:**

Mayor Councillor Marianne Saliba

Councillor Helen Stewart

Councillor David Boyle

Councillor Peter Moran (*see Min No. 312 Ord CI Meeting 8 October 2013*)

The Mayor declared the above-mentioned Councillors elected as the Delegates.

## **SHELLHARBOUR VILLAGE CENTRE - PROJECT CONTROL GROUP**

### **Council Delegates:**

Mayor Councillor Marianne Saliba

Councillor Paul Rankin

Councillor John Murray

Councillor Kellie Marsh

The Mayor declared the above-mentioned Councillors elected as the Delegates.

## **DELEGATES TO OUTSIDE COMMITTEES AND ORGANISATIONS**

### **TOURISM SHELLHARBOUR MANAGEMENT BOARD**

#### **Nominations**

The following nominations were received for the Alternate Councillor Delegate:

Councillor Rankin

Councillor Marsh

**Vote**

The vote was then taken by a show of hands.

Rankin (4)

Marsh (3)

The Mayor declared the following Councillors elected as the Delegates:

**Council Delegates:**

Mayor (Councillor Marianne Saliba)  
General Manager (or his representative)

**Alternate Delegate:**

Councillor Paul Rankin

**ILLAWARRA BUSHFIRE MANAGEMENT COMMITTEE**

**Council Delegate:**

Councillor John Murray

**Alternate Delegate:**

Councillor Marianne Saliba

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**ILLAWARRA ZONE RURAL FIRE SERVICE LIAISON COMMITTEE - SERVICE LEVEL AGREEMENT**

**Council Delegate:**

Mayor Councillor Marianne Saliba

**Alternate Delegate:**

Councillor John Murray

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**ILLAWARRA REGIONAL INFORMATION SERVICE (IRIS) MANAGEMENT BOARD**

**Council Delegate:**

Mayor Councillor Marianne Saliba

**Alternate Delegate:**

Councillor John Murray

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**SHELLHARBOUR CITY SPORTS ASSISTANCE FUND MANAGEMENT COMMITTEE**

**Council Delegates:**

Councillor Paul Rankin  
Councillor Helen Stewart  
Councillor Kellie Marsh

**Alternate Delegate:**

Councillor David Boyle (*see Min No. 313 Ord CI Meeting 8 October 2013*)

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**SOUTHERN COUNCILS GROUP (SCG) BOARD**

**Council Delegates:**

Mayor (Councillor Marianne Saliba)  
Deputy Mayor (Councillor Paul Rankin)

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**HEALTHY CITIES ILLAWARRA MANAGEMENT COMMITTEE**

**Council Delegates:**

Mayor Councillor Marianne Saliba  
Manager Community Development

**Alternate Delegate:**

Councillor Kellie Marsh

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**ILLAWARRA ITEC BOARD OF DIRECTORS**

**Council Delegate:**

Councillor John Murray

The Mayor declared the above-mentioned Councillor elected as the Delegate.

**ILLAWARRA DISTRICT NOXIOUS WEEDS AUTHORITY**

**Council Delegate:**

Councillor Kellie Marsh

The Mayor declared the above-mentioned Councillor elected as the Delegate.

**SOUTHERN REGION JOINT PLANNING PANEL**

**Council Delegate:**  
Mayor (Councillor Marianne Saliba)

**Alternate Delegate:**  
Councillor John Murray

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY EXECUTIVE COMMITTEE**

**Council Delegate:**  
Mayor Councillor Marianne Saliba

**Alternate Delegate:**  
Councillor Kellie Marsh

The Mayor declared the above-mentioned Councillors elected as the Delegates.

**ILLAWARRA - SHOALHAVEN MEDICARE LOCAL - ESTABLISHMENT COUNCIL  
(ISML)**

**Council Delegate:**  
Mayor Councillor Marianne Saliba

The Mayor declared the above-mentioned Councillor elected as the Delegate.

**PUBLIC LIBRARIES NSW**

**Council Delegate:**  
Councillor Helen Stewart

**Alternate Delegate:**  
Councillor Kellie Marsh

The Mayor declared the above-mentioned Councillors elected as the Delegates.

## **MINISTERIAL APPOINTMENTS**

### **TRUSTEES OF THE KILLALEA STATE PARK**

**Council Delegate:**  
Councillor Peter Moran

Appointed as Council's ex-officio representative on the Trust Board for the term of office expiring 19 January 2015.

### **REGIONAL DEVELOPMENT AUSTRALIA**

**Council Delegates:**  
Director City Outcomes  
WCC Representative  
KMC Representative

The Mayor confirmed the above-mentioned delegates to Regional Development Australia.

## **MAYORAL APPOINTMENT**

### **ILLAWARRA ACADEMY OF SPORT**

**Council Delegate:**  
Mayor (or Mayor's representative Mr Brian Weir)

This is a Mayoral appointment.

### **6.5 Draft Payment of Expenses and Provision of Facilities to the Mayor and Councillors (10000289)**

309 RESOLVED: Stewart/Murray

1. That Council adopt the proposed amended Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy for the purposes of public exhibition.
2. That submissions be invited from members of the public during the 28 day public exhibition period.



3. That the proposed Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy be reported back to Council following consideration of any submissions received for final adoption.
4. That if no submissions are received, the amended Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy be adopted.

CARRIED UNANIMOUSLY

#### **6.6 Review of Code of Meeting Practice (10001511)**

Councillor Marsh moved a POINT of ORDER in relation to the Mayor's comments directed at her. The Mayor did not accept the POINT of ORDER and continued her address.

Councillor Marsh then provided a personal explanation in relation to her POINT of ORDER.

MOTION: Murray/Boyle

1. That Council adopt the proposed amended Code of Meeting Practice together with the following amendments:
  - amending clause 9.5.2 "The Mayor, Chairperson and Councillors are not required to stand when addressing the Council during discussion and debate or when seconding a motion or amendment."
  - deleting clause 9.5.5 "The Chairperson will rise when addressing the Council to discuss any motion or amendment and will not leave the Chair on those occasions" has been deleted."
  - addition of clause 9.8.7 "Members of Federal and State Parliament or their representatives may speak during presentations in the Ordinary Council Meeting Agenda by prior agreement with the Mayor."
  - addition to clause 9.26.1 to include "In the case of minor or operational matters the General Manager will have the discretion to determine whether a particular question requires the response to be published in the Business Paper of an Ordinary Meeting of the Council or whether the response may be distributed to Councillors in another manner (eg via email)."
  - addition to clause 9.26.2 to include "subject to clause 9.26.1"
  - addition to clause 9.26.4 to include "or when received if the question was in writing. "

- addition to clause 9.26.5 to include "where appropriate".
  - amending clause 12.3.1 "Personal recording of the proceedings of a meeting of the Council or a Committee of the Council is prohibited. Recording includes a video camera, mobile phone and any other electronic device capable of recording image and/or sound".
  - amending clause 12.3.5 "Council records and webcasts all Ordinary and Extraordinary meetings held in the Council Chamber excluding those parts of the meeting which are held in Committee of the Whole (in Confidential Session) or those parts of the meeting closed to the public."
  - amending clause 13.1.2 to "A person may only register to speak to an officer's report which is listed in Agenda Item 11 on the Business Paper for the meeting for which the address is being made. There is no Public Address on any other items listed on the Agenda."
  - amending clause 13.1.4 "Solicitors/Lawyers acting on behalf of others in Addresses to the Council must identify their status when registering for Public Address otherwise they will not be permitted to speak at the meeting."
2. That all those people making submissions to the exhibited Code be advised of the Council's decision and thanked for their contribution.

During Councillor Moran's debate, he stated that should the MOTION be lost, he would FORESHADOW that the following items in the current MOTION be amended and included as:

1. That clause 12.3.2 be deleted.
2. Amending clause 12.3.5 to: "Council records and webcasts all Ordinary and Extraordinary meetings held in the Council Chamber **including** those parts of the meeting which are held in Committee of the Whole (in Confidential Session) or those parts of the meeting closed to the public."
3. That clause 13.1.2 be deleted.

Councillor Moran requested advice of the Mover of the current MOTION whether they would accept the above amendments, however, the Mover did not accept the changes.

Following further discussion and debate, the Mover of the current MOTION accepted the following amendments to the MOTION:

1. Amending clause 12.3.5 to: "Council records and webcasts all Ordinary and Extraordinary meetings held in the Council Chamber **including** those parts

of the meeting which are held in Committee of the Whole (in Confidential Session) or those parts of the meeting closed to the public."

2. Amending clause 13.3.1 to: "That the duration of individual public addresses be strictly limited to four minutes with no extensions permissible".

310 RESOLVED: Murray/Boyle

1. That Council adopt the proposed amended Code of Meeting Practice together with the following amendments:
  - amending clause 9.5.2 "The Mayor, Chairperson and Councillors are not required to stand when addressing the Council during discussion and debate or when seconding a motion or amendment."
  - deleting clause 9.5.5 "The Chairperson will rise when addressing the Council to discuss any motion or amendment and will not leave the Chair on those occasions" has been deleted."
  - addition of clause 9.8.7 "Members of Federal and State Parliament or their representatives may speak during presentations in the Ordinary Council Meeting Agenda by prior agreement with the Mayor."
  - addition to clause 9.26.1 to include "In the case of minor or operational matters the General Manager will have the discretion to determine whether a particular question requires the response to be published in the Business Paper of an Ordinary Meeting of the Council or whether the response may be distributed to Councillors in another manner (eg via email)."
  - addition to clause 9.26.2 to include "subject to clause 9.26.1"
  - addition to clause 9.26.4 to include "or when received if the question was in writing."
  - addition to clause 9.26.5 to include "where appropriate"
  - amending clause 12.3.1 "Personal recording of the proceedings of a meeting of the Council or a Committee of the Council is prohibited. Recording includes a video camera, mobile phone and any other electronic device capable of recording image and/or sound"
  - amending clause 12.3.5 "Council records and webcasts all Ordinary and Extraordinary meetings held in the Council Chamber including those parts of the meeting which are held in Committee of the Whole

(in Confidential Session) or those parts of the meeting closed to the public."

- amending clause 13.1.2 to "A person may only register to speak to an officer's report which is listed in Agenda Item 11 on the Business Paper for the meeting for which the address is being made. There is no Public Address on any other items listed on the Agenda."
  - amending clause 13.1.4 "Solicitors/Lawyers acting on behalf of others in Addresses to the Council must identify their status when registering for Public Address otherwise they will not be permitted to speak at the meeting."
  - Amending clause 13.3.1 to "That the duration of individual public addresses be strictly limited to four minutes with no extensions permissible".
2. That all those people making submissions to the exhibited Code be advised of the Council's decision and thanked for their contribution.

CARRIED 5/2

FOR VOTE - Cr Boyle, Cr Saliba, Cr Murray, Cr Rankin, Cr Stewart  
AGAINST VOTE - Cr Moran, Cr Marsh

**7. Urgent Business**

Nil

**Meeting closed 8.54 pm**