

**Minutes of the Extraordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Monday 05 November 2012 commencing at 6.32 pm**

Present

Mayor	M Saliba
Deputy Mayor	P Rankin (arrived at 6.36pm)
Councillor	K Marsh
Councillor	D Boyle
Councillor	H Stewart
Councillor	J Murray
Councillor	P Moran

In attendance

General Manager	M Willis
Acting Director City Outcomes	G Hoynes
Director Corporate Policy	L Furness
Director Shellharbour Enterprises	B Green
Executive Manager/Public Officer	F MastroDomenico
Group Manager Finance	T Gearon
Shell Cove Commercial Manager	K James
Media Officer	C Lewis
Senior Executive Assistant	L Davey

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.

2. Apologies / Leave of Absence

Nil

3. Confidential Business (Committee of the Whole)

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

Set out below is Section 10A(2) of the Local Government Act 1993, in relation to Confidential Business:

10A(2) Which parts of a meeting can be closed to the public? The matters and information are the following:

- (a) personnel matters concerning particular individuals;
- (b) the personal hardship of any resident or ratepayer;
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law;
- (f) matters affecting the security of the council, councillors, council staff or council property;
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

CONFIDENTIAL ITEMS

3.1 Briefing Presentation Only - No Report

Information on the recent Expressions of Interest for the operation of the Links Hotel

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) and (d) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

**3.2 Shell Cove - 2012 Feasibility Study - Draft Report (9812089)
CONFIDENTIAL**

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 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

4. Pecuniary Interest and Conflict of Interest Declarations

Nil

5. Addresses to Council

Nil

Councillor Rankin arrived at the meeting at 6.36 pm.

6. Committee of the Whole in Closed Session: Adjournment

Councillor Moran MOVED a POINT of ORDER that members of the public are entitled to address the meeting pursuant to the Local Government Act and Section 8.8.4 of the Code of Meeting Practice. The Mayor advised that Council's practice is to have members of the public register for public address in the same manner as public address on other matters listed on the agenda and no names were registered. Nevertheless, the

Mayor accepted the POINT of ORDER and asked the members of the public gallery whether they wished to address the Council. No members of the public indicated their interest in addressing the Council.

297 RESOLVED: Murray/Stewart

1. That Council resolve into Committee of the Whole (in Confidential Session) to consider the above business as listed, together with any late reports tabled at the meeting.
2. That pursuant to Section 10A(1-3) of the *Local Government Act 1993*, the press and public be excluded from the proceedings on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2)(c) and (d) of the Act as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the press and public in accordance with Section 11(2) of the *Local Government Act 1993*.

CARRIED 5/2

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

Meeting adjourned at 6.43 pm

Meeting resumed at 8.26 pm

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

The following Recommendations to Council from the Committee of the Whole Council (confidential) were read to the Meeting.

3.1 Briefing Presentation Only - No Report

Information on the recent Expressions of Interest for the operation of the Links Hotel

COMMITTEE RECOMMENDATION:

That the information be received and noted.

3.2 Shell Cove - 2012 Feasibility Study - Draft Report (9812089)

COMMITTEE RECOMMENDATION:

That the information be received and noted.

298 RESOLVED: Stewart/Rankin

That the recommendations to Council from the Committee of the Whole meeting held earlier today be adopted.

CARRIED UNANIMOUSLY

Meeting closed 8.28 pm