

**Minutes of the Extraordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Monday, 12 August 2013 commencing at 6.33 pm**

Present

Mayor
Councillor
Councillor
Councillor
Councillor

M Saliba
K Marsh
D Boyle
H Stewart
P Moran

In attendance

General Manager
Director City Outcomes
Director Corporate Policy
Director Shellharbour Enterprises
Shell Cove Commercial Manager
Executive Manager / Public Officer
Senior Executive Assistant
Council Liaison Officer
Media Officer

M Willis
C McIntyre
L Furness
B Green
K James
F MastroDomenico
L Davey
J Frasca
C Lewis

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 advice regarding the webcasting of the meetings of the Council.

2. Apologies / Leave of Absence

Extraordinary Council Meeting

Apologies were tendered on behalf of Councillor Rankin and Councillor Murray.

Committee of the Whole Council Meeting

Apologies were tendered on behalf of Councillor Rankin and Councillor Murray.

226 RESOLVED: Stewart/Marsh

That the apologies as tendered be accepted.

CARRIED UNANIMOUSLY

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 The Waterfront, Shell Cove (9980789)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(c), (d)(i) and (d)(ii) 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

This item has been classified confidential as it contains Commercial in Confidence information about the development potential of The Waterfront, Shell Cove which, if disclosed, would be contrary to the public interest and could prejudice the commercial position of the person who supplied it.

4. Pecuniary Interest and Conflict of Interest Declarations

Nil

Note: Councillors who declare a Pecuniary Interest at the Council Meeting are also required to complete a Pecuniary Interest Declaration form.

5. Addresses to Council

Nil

6. Committee of the Whole in Closed Session: Adjournment

227 RESOLVED: Marsh/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 Section 10A(2)(c), (d)(i) and (d)(ii) 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 UNANIMOUSLY

Meeting adjourned at 6.35 pm

Meeting resumed at 8.15 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 The Waterfront, Shell Cove (9980789)

COMMITTEE RECOMMENDATION:

That Council receive and note this report.

228 RESOLVED: Marsh/Boyle

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

CARRIED UNANIMOUSLY

Meeting closed 8.15pm