

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 13 December 2016 commencing at 6.35 pm**

Present

Mayor	M Saliba
Deputy Mayor	J Murray
Councillor	K Marsh
Councillor	D Boyle (Arrived: 8.27pm)
Councillor	H Stewart
Councillor	P Rankin
Councillor	P Moran

In attendance

General Manager	C McIntyre
Acting Director City Outcomes	M Boxall
Acting Director Corporate Policy	R Owens
Director Shellharbour Enterprises	M Youell
Executive Manager / Public Officer	F Lepouras
Acting Group Manager City Strategy	C Lappin
Group Manager Infrastructure Services	M Boenisch
Group Manager Parks, Aquatics, Landfill & Stadium	K Packer
Acting Group Manager Information & Customer Services	M Baez
Manager Property and Recreation	D Flanagan
Shell Cove Commercial Manager	K James
Business Performance and Development Manager	M Henning
Parks Manager	S Rowe
Manager Corporate Procurement and Supply	J Roberts
Environment Officer	A Williams
Media Officer	C Lewis
Senior Executive Assistant	L Davey
Council Liaison Officer (Minute Taker)	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 and Emergency Plan Statement

The Mayor read the usual advice regarding the webcasting of the meetings of the Council and the emergency plan for Council Meetings.

2. Confirmation of Minutes

2.1 Ordinary Meeting 29 November 2016

359 RESOLVED: Marsh/Murray

That the Minutes of the Ordinary Council Meeting held on 29 November 2016 as circulated be taken as

CARRIED UNANIMOUSLY

3. Apologies / Leave of Absence

Nil

4. 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

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting – 13 December 2016

- (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,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

CONFIDENTIAL ITEMS

4.1 Benson Basin - Part Lot 2000 DP717478 Wattle Road, Shellharbour City Centre - Disposal of Land (10799104)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(c),(d)(i),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
 - (ii) confer a commercial advantage on a competitor of the Council

Council will be considering the divestment of Part of Lot 2000 DP717478, Wattle Road Shellharbour City Centre. Whilst any decision to sell such asset must be made in the public domain, consideration of the information pertaining to the negotiations that have taken place must be conducted in confidential session, to enable candid debate of commercial details, options and strategies without prejudicing the Council's commercial interest, thereby protecting the public interest.

4.2 Contract for Security and Cash Collection Services (10800237)

Reason for Confidentiality

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

- (f) matters affecting the security of the council, councillors, council staff or council property

There is information contained within the report that details Council's security arrangements and recommended supplier appointments. In particular, there is a recommendation to award the cash handling component of the services to a supplier that will replace the incumbent providers.

4.3 Contract 2016/70 for Information and Communications Network Establishment (10800027)

Reason for Confidentiality

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

Council will be considering the award of contract for establishment of Information and Communication network. Whilst any decision on the award of a contract must be made in the public domain, consideration of the information pertaining to the negotiations that have taken place must be conducted in confidential session, to enable candid debate of commercial details and options without prejudicing the Council's commercial interest, thereby protecting the public interest.

4.4 Contract 2016/71 for Data Centre Establishment (10799829)

Reason for Confidentiality

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

Council will be considering the award of contract for the establishment of a Data Centre. Whilst any decision on the award of a contract must be made in the public domain, consideration of the information pertaining to the negotiations that have taken place must be conducted in confidential session, to enable candid debate of commercial details and options without prejudicing the Council's commercial interest, thereby protecting the public interest.

4.5 The Links Shell Cove Subdivision (10801923)

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (ii) confer a commercial advantage on a competitor of the council

Discussion of this item in any open meeting of Council would be contrary to the public interest, as this consideration involves Council's proposed selling prices and profit margins associated with options to subdivide and sell residential land. The information provided also contains cost to construct estimates from external parties that if known would confer a commercial advantage to their competitors.

5. Declarations of Interest

Councillor Kellie Marsh:

Item 10.3.5 Warilla High School – Part Lot 115 DP 226538 Barrack Heights – Licence

Nature of Interest:

Councillor Marsh declared a non-pecuniary interest as her son attends Warilla High School.

6. Condolences

The Mayor acknowledged the passing of Christine Pearse, the wife of former Alderman Gary Pearse, and Elizabeth Stone and passed on her condolences to their families.

The Council acknowledged the following deaths in the Local Government area.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting – 13 December 2016

Mrs Betty Joyce Cox		of	Albion Park
Mr David Henry Jefford		of	Albion Park
Mr Austin Patrick O'Gorman		of	Albion Park
Mr Geoffrey Kerrin Young		of	Albion Park
Mr Hubert Lightowler		of	Albion Park Rail
Ms Penny Louise Gentle		of	Barrack Heights
Mr Anton Grcar		of	Barrack Heights
Mrs Donka Najdovska		of	Barrack Heights
Mrs Beryl Joy Wellins		of	Barrack Heights
Mrs Gwendolyn Ruth Girdwood		of	Shellharbour
Mrs Amelia Fay Burton	formerly	of	Shellharbour
Mrs Theresa Cannon		of	Shellharbour
Mrs Joy Moores		of	Shellharbour
Mr Manual Da Silva		of	Warilla
Mrs Catherine Madge McKnight		of	Warilla
Mrs Christine Elizabeth Pearse		of	Warilla
Mrs Shirley Margaret Tindall		of	Warilla

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

7. Mayor's Statements / Reports / Presentations

The Mayor attended the following events since the last Council meeting:

- 30/11/16 - Stella Maris - Community Service Award
 - Links to Learning L.O.T.E. Program - Graduation and Certificate presentation
- 1/12/16 - Meeting with NSW Premier Mike Baird
- 2/12/16 - IPJO Board Meeting
- 3-4/12/16 - ALGWA Executive Meeting
- 5/12/16 - St. Vincent DePaul Xmas Lunch

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting – 13 December 2016

- 6/12/16 - Official Opening of Albion Park Men's Shed Community Support Garden
- Economic Gardening Graduation
- 7/12/16 - Lake Illawarra South Public School – Community Service Award
- Albion Park High School – Community Service Award and Illawarra 200 Commemorative Medallion presentation to the school
- 8/12/16 - Balarang Public School - Community Service Award
- Destination NSW Presentation
- Shell Cove Public School - Community Service Award
- 9/12/16 - Tullimbar Public School - Community Service Award
- Carols by Candlelight
- 10/12/16 - TS Albatross Cadets - end of year parade
- 12/12/16 - Warilla North Public School – Community Service Award
- Shellharbour Probus Club Christmas Party
- 13/12/16 - Launch of Little Blue Dinosaur (LBD) Project

8. Mayoral Minutes

Nil

9. Councillors' Reports

Councillor Stewart asked for further information in relation to the Mayor's meeting with the NSW Premier Mr Mike Baird. The Mayor then provided details of the meeting that took place.

During the Mayor's address Councillor Stewart MOVED a POINT of ORDER in the relation to the Mayor's comments, which was not accepted by the Mayor.

10. Reports

Note: The Addresses to Council Forum was held prior to the Council Meeting from 4.30pm to 5.30pm.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting – 13 December 2016

Agenda Item No & Title	Page Ref	Name
10.2.1 Public Exhibition of the Draft Shellharbour Coastal Zone Management Plan	25	Steven Krinks (Did not attend)
10.3.5 Warilla High School – Part Lot 115 DP 226538 Barrack Heights – Licence	65	John Berry Nathan Marsh Bailey Tye

10.1 General Manager

10.1.1 Corporate Communication Strategic Plan 2016-2019 (10800744)

361 RESOLVED: Murray/Marsh

1. That Council endorse the Corporate Communication Strategic Plan 2016-2019.
2. That a copy of the Corporate Communication Strategic Plan 2016-2019 be placed on Council's website.

CARRIED UNANIMOUSLY

10.2 City Outcomes Directorate

10.2.1 Public Exhibition of the Draft Shellharbour Coastal Zone Management Plan (10800355)

362 RESOLVED: Moran/Murray

That Council:

1. endorse the Draft Shellharbour Coastal Zone Management Plan and place it on public exhibition for a minimum period of 21 days in accordance with the Coastal Protection Act 1979.
2. seek a further report following the exhibition period if any relevant submissions are received, or if there are substantial post public exhibition changes proposed for any other reason, otherwise adopt the draft Shellharbour Coastal Zone Management Plan.
3. adopt the Draft Shellharbour Coastal Zone Management Plan and forward to the Minister for certification if there are no substantial, valid

submissions received as a result of the public exhibition or there are no substantial post exhibition changes proposed for any other reasons.

CARRIED UNANIMOUSLY

10.2.2 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 19 - Proposal to Rezone Part of the Land Currently Occupied by Albion Park Bowling Club - 32-52 Taylor Road, Albion Park to Enable Residential Development (10800583)

363 RESOLVED: Marsh/Murray

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the local Government Act, 1993, in resolving on this matter.
2. Subject to the Director General's concurrence that the S117 direction inconsistency is of minor significance, adopt the following amendments to Shellharbour Local Environmental Plan 2013 for the purpose of sending the amendments to the office of the NSW Parliamentary Counsel under section 59(1) of the Environmental Planning & Assessment Act 1979:
 - a. Amend Shellharbour LEP 2013 Land Zoning Map in accordance with Attachment 3
 - b. Amend Shellharbour LEP 2013 Minimum Lot Size Map in accordance with Attachment 4
 - c. Amend Shellharbour LEP 2013 Floor Space Ratio Map in accordance with Attachment 5
3. That Council delegate the General Manager authority to send the Planning Proposal to the office of the NSW Parliamentary Counsel in accordance with section 59(1) of the Environmental *Planning & Assessment Act 1979* to draft the legal instrument that will give effect to this Planning Proposal.
4. That Council delegate to the General Manager the authority to make minor mapping and Local Environmental Plan instrument changes if required by the office of the NSW Parliamentary Council.
5. That Council require a report be submitted to Council on the outcomes of the request to the office of the NSW Parliamentary Counsel and for final consideration of Planning Proposal No. 19.

6. For changes proposed for any other reason(s), a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations regarding adoption.

CARRIED UNANIMOUSLY

10.3 Corporate Policy Directorate

10.3.1 Monthly Investment Report - October 2016

364 RESOLVED: Murray/Marsh

That Council receive and note the attached Investment Portfolio reports, as at 31 October 2016.

CARRIED UNANIMOUSLY

10.3.2 Shellharbour Civic Centre - Consideration of the use of Pioneer Names incorporated into the Pavers (10798957)

365 RESOLVED: Murray/Rankin

That Council:

1. Confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. Determine that Option 4 be pursued.

CARRIED 5/1

FOR VOTE – Cr Saliba, Cr Murray, Cr Rankin, Cr Moran, Cr Marsh
AGAINST VOTE – Cr Stewart

10.3.3 Contract 2016/72 for Implementation of Voice over Internet Protocol Telephony and Call Centre Solution (10799821)

366 RESOLVED: Murray/Marsh

That Council

1. Confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. Delegate to the General Manager the authority determine a successful tenderer, based on the approved tender assessment process, and to

sign the Letter of Award for Contract 2016/72 to successful vendor on conclusion of the assessment process.

CARRIED UNANIMOUSLY

10.3.4 Amity College Australia Limited - Part Lot 2 DP1091230 Shellharbour Road, Shellharbour - Lease (10799181)

367 RESOLVED: Saliba/Moran

That Council:

1. Confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. Subject to the approval of the Development Application (0445/2016), commence the formal process, including advertising and exhibition of the Lease for a period of 28 days.
3. Enter into four (4) consecutive leases of five years each with Amity College Australia Limited for Part Lot 2 in Deposited Plan 1091230 Shellharbour Road, Shellharbour, provided no objections are received.
4. Approve the annual market rental of \$4,600 (exclusive GST) be subsidised by 71% and the annual commencement rental of \$1,334 (exclusive GST) be applied.
5. Note the "in-kind donation" of \$3,266 in Council's aggregate record of donations to the community.
6. Agree that the rental be reassessed by current market value 6 months prior to the commencement of each consecutive lease. Any subsidy of the rental will need to be re-applied for in accordance with the Council policy prevailing at the time. In addition, Consumer Price Index (CPI) will be applied on the anniversary of each other year.
7. Authorise the Mayor and General Manager, or his nominated delegate, to sign any documentation associated with the Leases with Amity College Australia Limited for Part Lot 2 in Deposited Plan 1091230, Shellharbour Road Shellharbour, under Council Seal.

CARRIED 5/2

FOR VOTE - Cr Boyle, Cr Saliba, Cr Moran, Cr Murray, Cr Marsh

AGAINST VOTE - Cr Rankin, Cr Stewart

10.3.5 Warilla High School - Part Lot 115 DP226538 Barrack Heights - Licence (10799176)

Councillor Marsh declared a non-pecuniary interest for this item and remained in the Chamber.

368 RESOLVED: Murray/Moran

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. That Council commence the formal process to enter into a Licence with Warilla High School for the occupation of Part Lot 115 in Deposited Plan 226538, Barrack Heights.
3. That Council endorse the licence to be placed on public exhibition for a period of 28 days calling for submissions.
4. That if any relevant submissions are received as a result of public exhibition, or if there are substantial post public exhibition changes proposed for any other reasons, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations regarding adoption.
5. That if there are no relevant submissions received as a result of the public exhibition, or there are no substantial post public exhibition changes proposed for any other reasons, Council enter into a licence for a term of two years with a further option of three years with Warilla High School for the occupation of Part Lot 115 DP226538, Barrack Heights.
6. Approve that the annual market rental of \$6,993 (exclusive GST) be subsidised by 69% phased in over three years and staged in accordance with Table 1 below and that Consumer Price Index be applied if the Option period is exercised.

Year	Policy	Annual Rental (exclusive GST)
1	Increase in rental not more than 20%	\$390
2	Increase in rental not more than 40%	\$780
3	Full new rental applies	\$1,950

7. That Council note the annual "in-kind donations" in Council's aggregate record of donations to the community.
8. That the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the Licence,

with Warilla High School for the occupation of Part Lot 115 in Deposited Plan 226538, Barrack Heights, under Council Seal.

CARRIED UNANIMOUSLY

10.3.6 Proposed Formal Road Closure of a Section of Public Road - Lamerton Crescent and Yerrowah Road, Shellharbour City Centre (10799182)

369 RESOLVED: Murray/Moran

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. That Council approve for Council officers to commence the process, including advertising and public exhibition, to formally close the sections of public road being Lamerton Crescent and Yerrowah Road Shellharbour City Centre, as legislated under the *Roads Act 1993*.
3. That if any relevant submissions are received as a result of public exhibition, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations.
4. That if there are no relevant submissions received as a result of the public exhibition, forward an application to the Department of Primary Industries, Crown Lands to process the road closure of Lamerton Crescent and Yerrowah Road Shellharbour City Centre.
5. Upon approval from the Department of Primary Industries, Crown Lands of the closure of Lamerton Crescent and Yerrowah Road Shellharbour City Centre, classify the land as Operational land and a further report to be presented to Council outlining the feasibility of the Operational Land.
6. That Council approve the Mayor and General Manager, or his nominated delegate, to be authorised to sign any documentation associated with the application for the closure of Lamerton Crescent and Yerrowah Road Shellharbour City Centre under Council Seal.

CARRIED UNANIMOUSLY

10.3.7 Proposed Formal Road Closure of a Section of Public Road - Part Adelaide Place, Shellharbour Village (10799477)

370 RESOLVED: Murray/Rankin

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. That Council approve for Council officers to commence the formal process to formally close the section of public road being Adelaide Place, as legislated under the *Roads Act 1993*.
3. Provided no relevant submissions are received, that Council forward an application to the Department of Primary Industries, Crown Lands to process the road closure of part of Adelaide Place, Shellharbour City Centre.
4. That if any relevant submissions are received as a result of public exhibition, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations.
5. Upon approval from the Department of Primary Industries, Crown Lands of the closure of part of Adelaide Place Shellharbour Village, that Council classify the land as Operational land.
6. That Council approve the section of Public Road being part of Adelaide Place, once closed and classified as Operational Land be offered for disposal to the respective adjoining landowners for the contract value as noted within Table 1 of this report.
7. That Council approve the Mayor and General Manager, or his nominated delegate, to be authorised to sign any documentation associated with the application for the closure and disposal of part of Adelaide Place Shellharbour City Centre, under Council Seal.
8. That Council approve the proceeds from the sale of the land be allocated to the Tripoli Way Extension, Albion Park By-Pass Project

CARRIED 5/1

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

AGAINST VOTE - Cr Moran

10.3.8 Draft Shellharbour City Council Sportsfields User Policy (10799020)

371 RESOLVED: Murray/Marsh

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. That Council endorse the Draft Shellharbour City Council Sportsfields User Policy to be placed on public exhibition for a period of 42 days inviting members of the public, including sporting groups and associations for submissions.
3. That Council officers send a copy of the draft policy to each of the current sporting clubs advising them of the exhibition period and their opportunity to make a submission.
4. That a report be submitted to Council for consideration detailing the public exhibition outcomes and further recommendations regarding the adoption of the policy.

CARRIED UNANIMOUSLY

10.4 Shellharbour Enterprises Directorate

10.4.1 Shell Cove Progress Report to 4 December 2016 (10794791)

372 RESOLVED: Murray/Marsh

That:

1. Council confirms its consideration of the guidelines issued by the NSW Government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. The progress report for the period from 12 September 2016 to 4 December 2016 for the Shell Cove Project be received and noted.
3. The Mayor and the General Manager, or his nominated delegate, be authorised to sign the Plan of Easements, 88B Instrument and any associated documents over Lot 2054 DP 1203745 (adjacent to the Bass Point Quarry), under Council Seal.
4. The Mayor and the General Manager, or his nominated delegate, be authorised to sign the Subdivision Plan and any associated documents for the subdivision of Lot 2058 DP 1203745 (creating Harbour Boulevard and Ketch Place), under Council Seal.

CARRIED UNANIMOUSLY

10.4.2 Planting Red Cedar Trees in the Shellharbour Local Government Area (10800191)

373 RESOLVED: Moran/Murray

That this report be received and noted.

CARRIED UNANIMOUSLY

11. Committee Recommendations

11.1 Recommendations from the Aboriginal Advisory Committee Meeting held 22 November 2016 recommended for adoption.

374 RESOLVED: Marsh/Murray

That the Recommendations from the Aboriginal Advisory Committee Meeting held on 22 November 2016 be adopted.

CARRIED UNANIMOUSLY

11.2 Recommendations from the Disability Access Committee Meeting held 30 November 2016 recommended for adoption.

375 RESOLVED: Stewart/Rankin

That the Recommendations from the Disability Access Committee Meeting held of 30 November 2016 be adopted.

CARRIED UNANIMOUSLY

12. Items for Information

Nil

13. Notices of Rescission/Alteration Motions

Nil

14. Notices of Motion

14.1 Notice of Motion submitted by Cr Peter Moran: Request for report on potential awards (10803091)

376 RESOLVED: Moran/Marsh

That Council officers prepare a report on how Council can provide an award or awards which recognise those businesses that advance the cause of persons with a disability in our community. Such a report shall include, but not be limited to, a possible award for businesses which employ the greatest numbers of workers who identify as disabled and a possible award for the best new disabled-friendly building design or feature. The report shall also include consideration of the nomination and judging process for any such awards and potential timing of the awards as well as any other considerations staff consider relevant. Further that the draft report be referred to the Disability Access Committee for their consideration and comment prior to being reported to Council.

CARRIED UNANIMOUSLY

15. Questions on Notice (must be submitted in writing)

Nil.

16. Urgent Business

Nil.

17. Committee of the Whole in Closed Session: Adjournment

The Mayor asked whether anyone in the public gallery wished to speak on the reasons why Items Items 4.1 Benson Basin – Part Lot 2000 DP 717478 Wattle Road, Shellharbour City Centre – Disposal of Land, 4.2 Contract for Security and Cash Collection Services, 4.3 Contract 2016/70 for Information and Communications Network Establishment, 4.4 Contract 2016/17 for Data Centre Establishment and 4.5 The Links Shell Cove Subdivision should not be held in Confidential Session (Closed to the Public). No member of public expressed an interest in addressing Council.

The Mayor wished everyone a Merry Christmas and thanked Councillors and staff for their work over the last 12 months which was undertaken under the prospect of a merger proposal with Wollongong City Council.

The Mayor also noted that this was the last Council Meeting for Rob Owens, Acting Director Corporate Policy, and passed on her appreciation for his contribution to Shellharbour City Council and wished him well for his future endeavours.

377 RESOLVED: Murray/Moran

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),d(i),d(ii),(f) 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*.

Meeting adjourned at 8.09pm

Meeting resumed at 8.58pm

18. 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 by the General Manager.

4.1 Benson Basin - Part Lot 2000 DP717478 Wattle Road, Shellharbour City Centre - Disposal of Land (10799104)

COMMITTEE RECOMMENDATION:

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. That Council approve for the inclusion of the additional area of land to be included within the proposed subdivision and subsequent Contract for Sale of Lot 2000 DP717478 Wattle Road Shellharbour City Centre.
3. That a Contract for Sale for Part of Lot 2000 DP717478 Wattle Road, Shellharbour City Centre, be entered with the purchaser named and the contract price as noted within this report.
4. As part of the conditions of the contract for sale that the purchaser relocate the access path to the current standard on the northern boundary into Council's land at their cost and create the necessary easements including registration prior to settlement of the land.

5. That a covenant be created and registered on title for the land owner to be responsible for all future maintenance in perpetuity of the undevelopable part of the land fronting Benson Avenue.
6. That the Mayor and General Manager, or his nominated delegate, be authorised to sign under Council Seal, the Contract for Sale for Part of Lot 2000 DP717478 Wattle Road, Shellharbour City Centre and other associated documentation.
7. That the commercial terms and the proposed purchaser be kept confidential until contracts for the Sale have settled.
8. That this report be declassified once the land transaction has settled.

4.2 Contract for Security and Cash Collection Services (10800237)

COMMITTEE RECOMMENDATION:

1. That Council confirm its consideration of the guidelines issued by the NSW Government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. That Council approve the selection of suppliers as per Attachment 1.
3. That the General Manager or his nominated delegate be authorised to sign the contract for each of the successful tenderers.

4.3 Contract 2016/70 for Information and Communications Network Establishment (10800027)

COMMITTEE RECOMMENDATION:

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. That a Contract for establishment of an information and communications network be entered with the vendor named and the contract price as noted within this report.
3. That the General Manager or his nominated delegate be authorised to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.

4.4 Contract 2016/71 for Data Centre Establishment (10799829)

COMMITTEE RECOMMENDATION:

1. That Council confirm its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. That a Contract for establishment of a Data Centre be entered with the vendor named and the contract price as noted within this report.
3. That the General Manager or his nominated delegate be authorised to sign the Letter of Award to the Contractor on behalf of Shellharbour City Council.

4.5 The Links Shell Cove Subdivision (10801923)

COMMITTEE RECOMMENDATION:

1. That Council confirm its consideration of the guidelines issued by the NSW Government in accordance with Section 23A of the Local Government Act, 1993, in resolving on this matter.
2. That Council undertake the Links Shell Cove 45 Lot Subdivision in accordance with Option B.
3. That Council approve borrowings of up to \$6.0 M over a 3-year period to fund the undertaking of the Links 45 lot residential subdivision.
4. That financial institutions be requested to provide loan borrowing quotations based on the terms mentioned in recommendation 3 above and that authority be granted to the General Manager to accept the most advantageous interest rate once received.
5. That the Mayor and General Manager, or his nominated delegate, be authorised to execute any loan documents under common seal of Council.
6. That Council develop an action plan to present to the February PCG meeting with a view to commencing construction by the end of the first quarter of 2017.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting – 13 December 2016

378 RESOLVED: Murray/Boyle

The Recommendations to Council from the Committee of the Whole held earlier today be adopted.

CARRIED UNANIMOUSLY

19. Consideration of Motions to Declassify Reports Considered in Closed Session

19.1 Consideration of Motions to Declassify Reports Considered in Closed Session: Lamerton House and related Properties (10799051)

379 RESOLVED: Moran/Rankin

That the confidential reports listed in the table below be declassified.

Report	Council Meeting Date	Item Number
Proposed Resumption of Lands at Oak Flats by Transport for NSW (10224469)	15 October 2013	3.1
Sale of Lamerton House & related properties (10773563)	27 September 2016	4.1

CARRIED UNANIMOUSLY

20. Declassified Reports

20.1 Declassified Report 4.1 Sale of Former Council Chambers and Administration Centre, 162 Shellharbour Road, Warilla and adjoining Lot, 4 Lake Entrance Road Warilla - 12 August 2014 (10801750)

20.2 Declassified Report 4.2 Disposal of Council Land at Lot 1 DP1188837 Shandan Circuit, Albion Park - 12 August 2014 (10801807)

Business Arising:

Councillor Moran asked if there was a previous report associated with the Disposal of Council Land at Lot 1 DP1188837 Shandan Circuit Albion Park. Manager Property & Recreation confirmed that there was a previous report and this will be reported to Council for declassification in the New Year.

Meeting closed 9.10 pm