

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Council Administration Centre
Shellharbour City Centre
on Tuesday 08 November 2016 commencing at 6.33 pm**

Present

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

In attendance

General Manager	C McIntyre
Acting Director City Outcomes	K Baget-Juleff
Acting Director Corporate Policy	R Owens
Director Shellharbour Enterprises	M Youell
Executive Manager / Public Officer	F Lepouras
Acting Chief Financial Officer	P Henderson
Acting Group Manager Corporate Strategy	T James
Group Manager Infrastructure Services	M Boenisch
Manager Property and Recreation	D Flanagan
Acting Manager Financial Services	L Mason
Team Leader Waste Management	C Williams
Media Officer	C Lewis
Corporate Strategy Coordinator	S Colefax
Senior Executive Assistant	L Davey
Council Liaison Officer (Minute Taker)	J Frasca

Claire Wagner – Crowe Horwath
Chang Chow – Crowe Horwath

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 11 October 2016

301 RESOLVED: Marsh/Murray

That the Minutes of the Ordinary Council Meeting held on 11 October 2016 as circulated be taken as read and confirmed as a correct record of proceedings with the following amendment:

That the item relating to the Mayor's attendance on "29/9/16 – National Policy Day Service" read "29/9/16 – National Police Remembrance Day Service".

CARRIED UNANIMOUSLY

2.2 Committee of the Whole 11 October 2016

302 RESOLVED: Murray/Marsh

That the Minutes of the Committee of the Whole (Confidential) Council Meeting held on 11 October 2016 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

3. Apologies / Leave of Absence

Ordinary Council Meeting

Nil

Committee of the Whole Council Meeting

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
 - (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 Council Land - Proposed Disposal - Lot 5 DP244190 Hargraves Avenue, Albion Park Rail (10784044)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(c),(d)(i)(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 proposed to conduct) business;
- (d) commercial information of a confidential nature that would be 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 possible divestment of Lot 5 in Deposited Plan 244190 Hargraves Avenue, Albion Park Rail. Whilst any decision to sell such asset must be made in the public domain, consideration of the information pertaining to the proposed sale 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 Shell Cove - Retail Stage 1 - Progress on the Sale (10784902)

Reason for Confidentiality

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

Candid discussion of this item in any open meeting or briefing of Council, would be contrary to the public interest, as this consideration has implications for the commercial, private interests of Council and its associate in the Management Agreement. Council is considering its options for acquisition or divestment of land which is part of the Harbour Land defined in the Management Agreement, being residential, retail and commercial precincts of The Waterfront, Shell Cove. Also, Council is considering the use of development funds held under the Management Agreement.

4.3 Verbal Report - Possible Asset Sale (10789557)

Reason for Confidentiality

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

SHELLHARBOUR CITY COUNCIL

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Council will be considering the possible sale of an asset of Council. Whilst any decision to sell such asset must be made in the public domain, consideration of the information pertaining to the proposed sale 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.

5. Declarations of Interest

Councillor Marsh: Item 4.1 Council Land – Proposed Disposal – Lot 5 DP 244190 Hargraves Avenue, Albion Park

Nature of Interest: Councillor Marsh declared a non-pecuniary interest for this item as she has an association with the proposed purchaser.

6. Condolences

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

Mr Joseph Patrick Marley	of	Albion Park
Mr David Hartley Nock	of	Albion Park
Mrs Doris Lucy Cody	of	Albion Park Rail
Mr Scott Nason	formerly of	Albion Park Rail
Mr Anthony Lee Strafford	of	Barrack Heights
Mrs Barbara June Farrar	of	Blackbutt
Mr Dragi Ristevski	of	Blackbutt
Mr Edwin John Hillard	of	Flinders
Mrs Marta Ljubovic	of	Lake Illawarra
Mrs Mary Bell	of	Oak Flats
Mr Pietro Rubano	of	Shell Cove
Mrs Moya Anne Duffy	formerly of	Warilla
Mrs Margaret Ann Harrod	of	Warilla

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

SHELLHARBOUR CITY COUNCIL

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7. Mayor's Statements / Reports / Presentations

The Mayor outlined the events she has attended since the last Council Meeting:

- 12/10/16 - Sculptures at Killalea - Official Launch
- 14/10/16 - Oliver Wilding 100th Birthday Celebrations
- 16-18/10/16 - Local Government NSW Conference
- 26/10/16 - Australian Citizenship Ceremony
- 27/10/16 - Tom Wyatt Park Naming
- 28/10/16 - Shellharbour Prayer Breakfast
 - General Manager's Long Service Recognition Dinner
- 29/10/16 - HARS Super Constellation Ball
- 31/10/16 - Shellharbour Visitors Centre 5th Birthday
- 2/11/16 - 60th Wedding Anniversary Visit - Mr Ron and Mrs Norma McIntyre
- 3/11/16 - Oak Flats Garden Club - 40th Anniversary
- 4/11/16 - Lendlease Tour of Rouse Hill and The Ponds

8. Mayoral Minutes

8.1 Mayoral Minute: 2016 Local Government NSW Conference held at Wollongong from 16-18 October 2016 (10788334)

304 RESOLVED: Mayor Saliba

That Council receive and note the report.

CARRIED UNANIMOUSLY

9. Councillors' Reports

Councillor Moran reported that the Killalea State Park Trust Board has been disbanded.

Councillor Marsh outlined her attendance at the Local Government NSW Conference held in Wollongong from 16 -18 October 2016.

Councillor Marsh thanked Councillor Moran and the Mayor for their contribution to the Killalea State Park Trust Board.

Councillor Marsh outlined her attendance at the HARS Constellation Ball.

10. Reports

10.1 General Manager

10.1.1 2015/16 Annual Report and Annual Financial Statements (10786578)

A presentation by Claire Wagner from Crowe Horwath was given to Council in relation to the Annual Financial Statements.

305 RESOLVED: Murray/Boyle

That Council:

1. Receive and adopt the 2015/16 Annual Report
2. Receive and adopt the 2015/16 Annual Financial Statements

CARRIED UNANIMOUSLY

10.2 City Outcomes Directorate

10.2.1 2016 Community Survey (10785959)

306 RESOLVED: Murray/Marsh

That Council receive and note the *Shellharbour City Council Community Survey 2016 Management Report* and *Executive Summary*, prepared by IRIS Research.

CARRIED UNANIMOUSLY

10.3 Corporate Policy Directorate

10.3.1 Monthly Investment Report August / September 2016 (10785609)

307 RESOLVED: Marsh/Moran

That Council receive and note the attached Investment Portfolio reports, as at 31 August 2016 and 30 September 2016.

CARRIED UNANIMOUSLY

10.3.2 Preferential Rating for Heritage Listed Residential Property (10786085)

308 RESOLVED: Moran/Murray

That Council receive and note this report.

CARRIED UNANIMOUSLY

Business Arising

309 RESOLVED: Moran/Murray

That Council officers draft a motion for Council's consideration to go to the next Local Government NSW Conference seeking Local Government NSW's support for an approach to the State Government asking for provisions for a variable rating policy for heritage listed housing to be included in the Local Government Act.

CARRIED UNANIMOUSLY

10.3.3 Alternative Operating Hours - Oak Flats Outdoor 25 metre Heated Pool (10783695)

310 RESOLVED: Marsh/Boyle

That Council

1. Receive and note this report.
2. Approve the permanent alterations to the 'winter' operating hours of the Oak Flats 25 metre heated pool - 6am to 6.30pm Monday to Friday and 6am to 1.30pm on Saturdays.

CARRIED UNANIMOUSLY

10.3.4 Draft Memorial Seats/Plaques Policy (10783532)

MOTION: Saliba/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 endorse the Memorial Seat/Plaque Policy to be placed on public exhibition for a period of 28 days calling for submissions.

3. That if any substantial, valid 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.
4. That if there are no substantial, valid submissions received as a result of the public exhibition, or there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the Memorial Seat/Plaque Policy as attached to this report.

Councillor Moran proposed the following addendum to the Motion, which was accepted by the Mover:

That a new clause 6.6 be included in the Memorial Seat/Plaque Policy as follows:

"6.6 In the event that seats are damaged and have to be removed due to the decision of the donor not to pay to repair it, in that case Council shall endeavour to return the bronze plaque to the donor."

Further that the current Clause 6.6 become Clause 6.7.

311 RESOLVED: Saliba/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 endorse the Memorial Seat/Plaque Policy to be placed on public exhibition for a period of 28 days calling for submissions.
3. That if any substantial, valid 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.
4. That if there are no substantial, valid submissions received as a result of the public exhibition, or there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the Memorial Seat/Plaque Policy as attached to this report.

5. That a new clause 6.6 be included in the Memorial Seat/Plaque Policy as follows:

"6.6 In the event that seats are damaged and have to be removed due to the decision of the donor not to pay to repair it, in that case Council shall endeavour to return the bronze plaque to the donor."

Further that the current Clause 6.6 become Clause 6.7.

CARRIED UNANIMOUSLY

10.3.5 Community Land Plan of Management - Sophia Park - Sophia Street, Shellharbour (10773685)

312 RESOLVED: Marsh/Murray

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. Endorse the Draft Plan of Management for Community Land for Lot 30 DP 22934 known as Sophia Park, Sophia Street, Shellharbour to be placed on public exhibition for a period of 28 days, beginning Wednesday 23 November 2016.
3. Endorse a public hearing to be held during the exhibition period on a date to be confirmed in the Shellharbour City Council Chambers. The public will be notified of the date via the newspaper and also Council's Website and Councillors notified via a Councillor Memo.
4. Endorse a further report to be provided to Council upon completion of the public exhibition period and after Council staff have considered all submissions received during the exhibition period.

CARRIED UNANIMOUSLY

10.3.6 Morley Park, Lake Illawarra, Part Lot 23 DP 558774: Proposed Licence Renewal - Department of Education (10783542)

313 RESOLVED: Murray/Boyle

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. Commence the formal process to enter into a Licence with Department of Education for the occupation of Part Lot 23 in Deposited Plan 558774, Morley Park Lake Illawarra.
3. Approve that submissions be invited from members of the public during the 28-day public exhibition period and if any substantial, valid submissions are received as a result of public exhibition, a report be submitted to Council for consideration detailing the public exhibition outcomes with further recommendations regarding adoption.
4. Approve that provided that no objections are received during the 28-day exhibition period, that Council enter into a Licence for a term of five (5) years, with the Department of Education for the occupation of Part Lot 23 in Deposited Plan 558774, Morley Park Lake Illawarra.
5. Approve that the annual rental commences at \$1,300 (exclusive of GST) and is to be increased by Consumer Price Index on each anniversary of the commencement date.
6. Approve that the Mayor and General Manager, or his nominated delegate, be authorised to sign any documentation associated with the Licence, with Department of Education for the occupation of Part Lot 23 in Deposited Plan 558774, Morley Park Lake Illawarra, under Council Seal.

CARRIED UNANIMOUSLY

10.3.7 Lease - Re.Grow (Shellharbour) Pty Ltd - Buckleys Road Dunmore, Part Lot 21 DP 653009 (10783738)

314 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. The Mayor and General Manager or his nominated delegate be authorised to sign and execute all necessary documentation associated with the Lease with 'Re.Grow (Shellharbour) Pty Ltd' for the occupation of Part Lot 21 in Deposited Plan 653009 being the premises known as FOGO Plant, Dunmore Resource Recovery Centre, 44 Buckleys Road Dunmore, including affix of the Seal of Council.

CARRIED UNANIMOUSLY

10.3.8 Illawarra Regional Airport - Creation and Extinguishment of Easement for Services (10778853)

315 RESOLVED: Murray/Boyle

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 to enter into an agreement with Cleary Bros (Bombo) Pty Ltd for the creation of a one (1) metre wide Easement for Services over Lot 10 DP1157377 to benefit Lot 11 DP1157377 and that the Easement for Services over Lot 701 DP1102696 benefiting Lot 11 DP1157377 be Extinguished.
3. That the costs noted within Council's fees and charges associated with the creation of Easement for Services be waived.
4. The Mayor and General Manager or his nominated delegate be authorised to sign and execute all necessary documentation associated with the creation of Easement for Services over Lot 10 DP1157377 to benefit Lot 11 DP1157377 Albion Park Rail and the Extinguishment of the Easement for Services over Lot 701 DP 1102696 benefiting Lot 11 DP1157377 Albion Park Rail, including affix of the Seal of Council.

CARRIED UNANIMOUSLY

10.3.9 Expansion of Nappy Dynamo Service (10784043)

316 RESOLVED: Moran/Marsh

That Council receive and note this report.

CARRIED UNANIMOUSLY

10.3.10 Excess Food Collection (10784042)

317 RESOLVED: Moran/Murray

That Council note and receive this report.

CARRIED UNANIMOUSLY

10.3.11 Extension of Contract 2011/49 - Operation of Resource Recovery Centre at the Dunmore Recycling and Waste Disposal Depot (10783833)

318 RESOLVED: Rankin/Murray

That Council:

1. Confirms its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the Local Government Act, 1993, in resolving this matter.
2. Approve the extension to Contract 2011/49 until 30 June 2017.

CARRIED UNANIMOUSLY

10.3.12 Construction of Landfill Cell 5A at Buckleys Road Dunmore - Contract 2016/34 (10783467)

319 RESOLVED: Marsh/Murray

That Council:

1. Confirms its consideration of the guidelines issued by the NSW government in accordance with Section 23A of the *Local Government Act*, 1993, in resolving this matter.
2. That Council, in accordance with Section 178 (1)(b) of the Local Government (General) Regulation 2005, decline to accept any of the tender offers made for Tender 2016/34.
3. That Council approve for negotiations to be held with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.
4. That Council delegate to the General Manager or his nominated delegate the authority to undertake and finalise the negotiations with a view to entering into a contract in relation to the subject matter of the tender.

CARRIED UNANIMOUSLY

10.3.13 Contract Variation - Dunmore Landfill Waste Batter Excavation - Tender 2016/37 (10783796)

The Mayor left the Chamber at 8.07pm and the Deputy Mayor assumed the Chair.

320 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. Approve the variation to contract 2016/37 in the amount of \$142,093.

CARRIED UNANIMOUSLY

The Mayor was not present for this item and therefore did not vote.

10.3.14 Update on Sales of Council land (Assets) identified to fund the Civic Centre Project (10784041)

The Mayor returned to the Chamber at 8.11pm and assumed the Chair.

321 RESOLVED: Marsh/Boyle

1. That Council receive and note this report.
2. That declassification of the reports relating to the sale of land identified to fund the Civic Centre Project be recommended to Council following settlement of each sale.

CARRIED UNANIMOUSLY

10.3.15 Requests for Financial Assistance - Extraordinary Allocation (10787839)

322 RESOLVED: Boyle/Marsh

That Council provide financial assistance from the miscellaneous donations budget totalling \$3,492 to the following:

1. 2528 at Crew Park \$3,150
- Public Liability insurance and rent costs for programs
2. Spinal Cord Injuries Australia \$342
- Venue costs for Try Wheelchair Sports Day at Croom Stadium

CARRIED UNANIMOUSLY

10.4 Shellharbour Enterprises Directorate

Nil

11. Committee Recommendations

11.1 Recommendations from the Youth Council Meeting held 14 September 2016 recommended for adoption.

323 RESOLVED: Murray/Boyle

That the Recommendations from the Youth Council Meeting held 14 September 2016 be adopted.

CARRIED UNANIMOUSLY

11.2 Recommendations from the Aboriginal Advisory Committee Meeting held 27 September 2016 recommended for adoption.

324 RESOLVED: Marsh/Boyle

That the Recommendations from the Aboriginal Advisory Committee Meeting held 27 September 2016 be adopted.

CARRIED UNANIMOUSLY

11.3 Recommendations from the Disability Access Committee Meeting held 28 September 2016 recommended for adoption.

325 RESOLVED: Stewart/Marsh

That the Recommendations from the Disability Access Committee Meeting held 28 September 2016 be adopted.

CARRIED UNANIMOUSLY

11.4 Recommendations from the Traffic Committee Meeting held 5 October 2016 recommended for adoption.

326 RESOLVED: Marsh/Murray

That the Recommendations from the Traffic Committee Meeting held 5 October 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 Kellie Marsh: Pet Friendly Workplace (10787341)

327 RESOLVED: Marsh/Saliba

Given studies have shown that pet-friendly workplaces keep employees happier and more productive and that allowing dogs in the workplace is a way to promote a fun and relaxed atmosphere at work and alleviate stress levels, that Council officers investigate making Shellharbour City Council a pet friendly work place.

CARRIED UNANIMOUSLY

14.2 Notice of Motion submitted by Cr Peter Moran: FOGO System (10789222)

328 RESOLVED: Moran/Murray

That council officers provide a report on the FOGO system. Such a report shall include, but not be limited to; the approximate tonnage of material diverted from landfill, approximate contamination rates of the FOGO bins, the number of residents saving money by downsizing their red bins, the estimated extension of life of the Dunmore waste facility any community feedback received by Council, and any other benefits council officers have identified.

CARRIED UNANIMOUSLY

14.3 Notice of Motion submitted by Cr Peter Moran: Red Cedar Trees (10789223)

329 RESOLVED: Moran/Marsh

That council officers prepare a report on the progress of council's planting of red cedar trees. Such a report shall include, but not be limited to, the numbers of red cedars planted, their locations, the progress the seedlings are making and any plans council may have to include red cedars in future planting season in the same or different locations.

CARRIED UNANIMOUSLY

14.4 Notice of Motion submitted by Cr Kellie Marsh: De-merged Local Governments (10789224)

MOTION: Marsh/Saliba

That Council Officers undertake research in the jurisdictions of Victoria and Queensland, into de-merged local governments as to what were the costs and benefits of de-merging subsequent to being merged by their respective state governments. The report should include the benefits and dis-benefits that arose from being merged as identified by those local governments and the drivers within the community for de-merging.

The Mayor proposed the following amendment to the Motion, which was accepted by the Mover:

That Council Officers undertake research in the jurisdictions of Victoria and Queensland, into de-merged local governments as to what were the costs and benefits of de-merging subsequent to being merged by their respective state governments. The report should include the advantages and disadvantages that arose from being merged as identified by those local governments and the drivers within the community for de-merging.

330 RESOLVED: Marsh/Saliba

That Council Officers undertake research in the jurisdictions of Victoria and Queensland, into de-merged local governments as to what were the costs and benefits of de-merging subsequent to being merged by their respective state governments. The report should include the advantages and disadvantages that arose from being merged as identified by those local governments and the drivers within the community for de-merging.

CARRIED 6/1

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

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 4.1 Council Land – Proposed Disposal – Lot 5 DP 244190 Hargraves Avenue, Albion Park Rail, 4.2 Shell Cove – Retail Stage 1 – Progress on the Sale and 4.3 Verbal Report – Possible Asset Sale should not be held in Confidential Session (Closed to the Public). No members of the public expressed an interest in addressing the Council.

331 RESOLVED: Murray/Rankin

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)(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 8.44pm

Meeting resumed at 9.23pm

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 Council Land - Proposed Disposal - Lot 5 DP244190 Hargraves Avenue, Albion Park Rail (10784044)

COMMITTEE RECOMMENDATION:

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. That Council enter into a Contract for Sale for Lot 5 Deposited Plan 244190 Hargraves Avenue, Albion Park Rail, with the purchaser named and the contract price as noted within this report.
3. That the funds from the proceeds of the sale be allocated to an Airport restriction to assist with the implementation of the Illawarra Regional Airport Strategic and Business Plan.
4. That the Mayor and General Manager, or his nominated delegate, be authorised to sign under Council Seal, the Contract for Sale for Lot 5 Deposited Plan 244190 Hargraves Avenue, Albion Park Rail and other associated documentation.
5. That the commercial terms and the proposed purchaser be kept confidential until settlement of the matter has taken effect.

332 RESOLVED: Murray/Rankin

That the Recommendations to Council from the Committee of the Whole held earlier today in relation to Item 4.1 Council Land – Proposed Disposal – Lot 5 DP244190 Hargraves Avenue, Albion Park Rail (10784044) be adopted.

CARRIED UNANIMOUSLY

FOR VOTE - Cr Boyle, Cr Saliba, Cr Moran, Cr Murray, Cr Rankin, Cr Stewart (Councillor Marsh declared a non-pecuniary interest for item 4.1 and did not participate in the discussion or vote for this item)

4.2 Shell Cove - Retail Stage 1 - Progress on the Sale (10784902)

COMMITTEE RECOMMENDATION:

1. That 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. That Council proceeds to sell the Retail Stage 1 Land as per the Council's resolution of 15 March 2016 on the same matter and as amended by the terms set out in this Report.
3. That Council notes the final Shell Cove Project funding of the development of basement carparking within the Retail Stage 1.

4. That this report be de-classified on practical completion of the work associated with Shell Cove Stage 1 Retail in accordance with Clause 11.1.4 of Council's Code of Meeting Practice.

4.3 Verbal Report - Possible Asset Sale (10789557)

COMMITTEE RECOMMENDATION:

That Council staff prepare a report on exploring the options for the sale of the land identified in the confidential report.

333 RESOLVED: Murray/Rankin

That the Recommendations to Council from the Committee of the Whole held earlier today in relation to items 4.2 Shell Cove – Retail Stage 1 – Progress on the Sale (10784902) and 4.3 Verbal Report – Possible Asset Sale (10789557) be adopted.

CARRIED UNANIMOUSLY

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

Nil

Meeting closed 9.26 pm