Minutes of the Ordinary Meeting

of Shellharbour City Council

held at the Council Chambers, Council Administration Centre

Shellharbour City Centre

on Tuesday 24 July 2018 commencing at 6.30 pm

Present

Mayor, Councillor	M Saliba
Deputy Mayor, Councillor	K Marsh
Councillor	N Cattell
Councillor	M Hamilton
Councillor	J Murray
Councillor	P Moran

In attendance

General Manager	C McIntyre
Acting Director Council Sustainability	G Grantham
Director Community and Customers	M Boxall
Director Amenity and Assets	B Stewart
Executive Manager / Public Officer	F Lepouras
Group Manager City Development	G Meredith
Group Manager Community Connections	K Baget-Juleff
Group Manager Asset Strategy	W Peterson
Manager Property Services	D Flanagan
Manager, The Links	R Stephenson
Acting Team Leader Environment	T Heather
Media Officer	K Wells
Senior Executive Assistant	L Davey
Councillor Support 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. Apologies

Ordinary Council Meeting

An apology was tendered on behalf of Councillor Petreski

153 RESOLVED: Marsh/Murray

That the apology as tendered be accepted.

CARRIED UNANIMOUSLY

3. Leave of Absence

Nil

4. Confirmation of Minutes

4.1 Ordinary Meeting 3 July 2018

154 RESOLVED: Murray/Cattell

That the Minutes of the Ordinary Council Meeting held on 3 July 2018 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

4.2 Committee of the Whole (Confidential) Council Meeting 3 July 2018

155 RESOLVED: Marsh/Murray

That the Minutes of the Committee of the Whole (Confidential) Council Meeting held on 3 July 2018 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

4.3 Extraordinary Meeting 3 July 2018

156 RESOLVED: Hamilton/Murray

That the Minutes of the Extraordinary Council Meeting held on 3 July 2018 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

4.4 Committee of the Whole Extraordinary Council Meeting 3 July 2018

157 RESOLVED: Marsh/Hamilton

That the Minutes of the Committee of the Whole Extraordinary Council Meeting (Confidential) held on 3 July 2018 as circulated be taken as read and confirmed as a correct record of proceedings.

CARRIED UNANIMOUSLY

5. Declarations of Interest

Nil.

6. Confidential Business (Committee of the Whole in Closed Session)

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

6.1 Reverse Vending Machine (RVM) Proposal with Tomra Pty Ltd at The Links and Shell Cove Tavern (11074531)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) (d)(i) 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:
    (i) prejudice the commercial position of the person who supplied it

The proposal includes commercial information and this report details the financial considerations relevant to the proposed licence agreement to be entered into for this specific site. The release of financial details for this site could impact negotiations for other sites with other relevant parties.

The proposed Licence Agreement also includes a confidentiality clause that specifically states that the Licensor must not disclose to any person and information regarding the terms of the Licence and such Licence Agreement and terms are to remain confidential between all parties.

Declassification of this Report

The report may be declassified if consent is granted by the Licencee or on completion of the licence term.

6.2 Joint Landfill Gas Services Tender (11072830)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) 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:
    (i) prejudice the commercial position of the person who supplied it

The abatement scheme pricing is contained within the report and the financial offers outlined in the report are to remain confidential.

It is not in the public interest to disclose this information as it may impact the ability of Council to attract competitive tenders in the future.

The Illawarra Shoalhaven Joint Organisation (ISJO) are providing reports to their Councils. Wollongong City Council will be reporting the joint Landfill Gas Services Tender in August.

Declassification of this Report

It is recommended that the report remains confidential until after the reporting to the three Councils and contracts are awarded. This report will be declassified in accordance with the GIPA requirements.

6.3 Tender 2017/120 - Wollongong Street Rehabilitation (11072635)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) 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:
    (i) prejudice the commercial position of the person who supplied it

Disclosing the tendered price offer will prejudice the commercial position of the contractor through the negotiation process. The negotiation process will be undertaken with additional contractors who will be competing against the tenderer.

It is not in the public interest to disclose this information as it may impact the ability of Council to attract competitive tenders in the future.

Declassification of this Report

This report will be declassified in accordance with the GIPA requirements.

7. Condolences

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

The Mayor personally acknowledged the passing of Mr Robert Rawlinson and passed on her condolences to his wife and children.

Mr Allan Middleton	of	Albion Park
Mr Raymond William Tuckett	of	Albion Park Rail
Mr David John Moulton	of	Barrack Heights
Mrs Margaret Davis	of	Blackbutt
Mrs Joan Ireland	of	Oak Flats
Mr Michael Alan Hartley	of	Oak Flats
Mr Richard Spoewak	of	Oak Flats
Mrs Robyn Birch	of	Shell Cove
Mr Robert Rawlinson	of	Warilla
Mr Rafael Luna	of	Warilla
Mrs Alma May Keft	of	Warilla
Mrs Doreen Glawson	of	Warilla

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

8. Mayoral Statements / Reports / Presentations

EVENTS SINCE LAST COUNCIL MEETING

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

4/7/18 - Australian Citizenship Ceremony

- Commanders Active Citizen Program 2018

5/7/18 - LGNSW Board Working Committee Meeting

- Oak Flats High School – production The Wiz

6/7/18 - Ribbon cutting for the opening of the Skate Park

20-22/7/18 - Australian Local Government Womens' Association Executive Meeting in Inverell

24/7/18 - Stockland Shellharbour - Care Grants Morning Tea

9. Mayoral Minutes

Nil

10. Councillors' Statements / Reports

Councillor Marsh outlined her attendance at the Illawarra South Coast Business Awards.

Councillor Marsh outlined her attendance at the Kidsfest 2018 Recognition Awards and stated that she received a certificate of recognition for the Mayor for being a Valued Kidsfest Supporter. She also acknowledged the awards received for Library Services and the Civic Centre.

11. Reports

11.1 General Manager

Nil

11.2 Council Sustainability Directorate

11.2.1 Draft Telecommunication Facilities on Council Owned or Controlled Land Policy (11071597)

159 RESOLVED: Murray/Cattell

1. That Council endorse the Draft Telecommunication Facilities on Council Owned or Controlled Land Policy to be placed on public exhibition for a period of 28 days calling for submissions.

2. 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 regarding adoption.

3. That is there are no relevant submissions received as a result of the public exhibition and there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the Draft

Telecommunication Facilities on Council Owned or Controlled Land Policy as attached to this report for a trial period of 12 months.

4. That this matter be reported back to Council after the 12 month trial period.

CARRIED UNANIMOUSLY

11.2.2 Tender 2018/29 - Supply of Regular Passenger Transport Services at Illawarra Regional Airport (11076781)

160 RESOLVED: Saliba/Murray

1. That Council, in accordance with Section 178 of the Local Government (General) Regulation 2005, decline all tenders and enter into negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender.

2. That Council delegate to the General Manager or his nominated delegate the authority to finalise negotiations for contract 2018/29 Regular Passenger Transport Services at Illawarra Regional Airport.

3. A report is to be provided to Council to seek approval for a final Service Level Agreement.

CARRIED UNANIMOUSLY

11.3 Community and Customers Directorate

11.3.1 Centenary of Armistice Day Commemoration (11072630)

161 RESOLVED: Marsh/Hamilton

1. That Council support the proposed Centenary of Armistice Day exhibition in recognition of the end of World War One and the contribution made by the Shellharbour community to the war effort.

2. That an additional $3,500 is allocated to Community Engagement and Activation budget at the September 2018 quarterly budget review, to support the presentation of the exhibition, to be funded from savings identified at a 2018/19 quarterly budget review.

CARRIED UNANIMOUSLY

11.3.2 Calendar of Events 2018/19 (11072277)

162 RESOLVED: Murray/Cattell

1. That Council endorse the Calendar of Events attached for the period July 2018 to January 2019.

2. That Council notes that any additional proposals for non-budgeted events; excepting those that are categorised as a civic function; will be reported to Council individually for consideration.

CARRIED UNANIMOUSLY

11.3.3 Cities Power Partnership (11076178)

163 RESOLVED: Murray/Moran

That Council write to the Climate Council of Australia requesting to join the Cities Power Partnership.

CARRIED UNANIMOUSLY

11.4 Amenity and Assets Directorate

Nil

12. Committee Recommendations

12.1 Recommendations from the Traffic Committee Meeting held 4 July 2018 recommended for adoption.

164 RESOLVED: Marsh/Murray

That the Recommendations from the Traffic Committee Meeting held 4 July 2018 be adopted.

CARRIED UNANIMOUSLY

12.2 Recommendations from the Disability Access and Inclusion Advisory Committee Meeting held 11 July 2018 recommended for adoption.

165 RESOLVED: Hamilton/Cattell

That the Recommendations from the Disability Access and Inclusion Advisory Committee Meeting held 11 July 2018 be adopted.

CARRIED UNANIMOUSLY

12.3 Recommendations from the Aboriginal Advisory Committee Meeting held 17 July 2018 recommended for adoption.

166 RESOLVED: Cattell/Murray

That the Recommendations from the Aboriginal Advisory Committee Meeting held 17 July 2018 be adopted.

CARRIED UNANIMOUSLY

13. Items for Information

Nil

14. Notices of Rescission/Alteration Motions

Nil

15. Notices of Motion

Nil

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

17. Urgent Business

Nil.

The Mayor asked whether anyone in the public gallery wished to speak on the reasons why the following items should not be held in Confidential Session (Closed to the Public):

6.1. Reverse Vending Machine (RVM) Proposal with Tomra Pty Ltd at The Links and Shell Cove Tavern

6.2 Joint Landfill Gas Services Tender

6.3 Tender 2017/120 - Wollongong Street Rehabilitation

No members of the public expressed their interest in addressing the Council.

18. Committee of the Whole in Closed Session (Closed to the Public): Adjournment

167 RESOLVED: Murray/Marsh

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) (d)(i) 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 7.11pm

Meeting resumed at 7.39pm

The Mayor welcomed Council's new Group Manager Asset Strategy, Wade Peterson to his first meeting of Council.

19. Committee of the Whole in Closed Session: 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.

6.1 Reverse Vending Machine (RVM) Proposal with Tomra Pty Ltd at The Links and Shell Cove Tavern (11074531)

COMMITTEE RECOMMENDATION:

1. That Council resolve to enter into a Licence Agreement for the installation of a Reverse Vending Machine with Tomra Pty Ltd at The Links and Shell Cove Tavern as indicated on the Site Plan in (Attachment 1) to this report, as the State Government has formally indicated its support for this site.

2. That Council resolves in the affirmative, that the General Manager or his nominated delegate be authorised to sign the Licence Agreement

with Tomra Pty Ltd for the installation of a Reverse Vending Machine with Tomra Pty Ltd at The Links and Shell Cove Tavern.

3. That this Licence Agreement be reviewed in 2 years.

4. That Council re-affirm its previous resolution to consider other suitable sites.

6.2 Joint Landfill Gas Services Tender (11072830)

COMMITTEE RECOMMENDATION:

1. That Council, in accordance with Section 178 of the Local Government (General) Regulation (2005), decline all tenders and enter into negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender.

2. That Council delegate to the General Manager or his nominated delegate the authority to undertake and finalise negotiations with a view of entering into a contract in relation to the subject matter of the tender.

6.3 Tender 2017/120 - Wollongong Street Rehabilitation (11072635)

COMMITTEE RECOMMENDATION

1. That Council, in accordance with Section 178 of the Local Government (General) Regulation 2005, decline all tenders and enter into negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender.

2. That Council delegate to the General Manager or his nominated delegate the authority to finalise and execute the contract and any other documentation required to give effect to the outcomes of the negotiations for contract 2017/120 Wollongong Street Rehabilitation.

168 RESOLVED: Murray/Cattell

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

CARRIED UNANIMOUSLY

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

20.1 Consideration of Motion to Declassify Report Considered in Closed Session: Shell Cove Business Entity Development (11072833)

169 RESOLVED: Marsh/Moran

That Council approve the declassification of the report presented to the Council meeting on 27 February 2018 - 6.2 Shell Cove Business Entity Development, and that this report be added to the minutes.

CARRIED UNANIMOUSLY

Meeting closed 7.43 pm

Subject 6.2 Shell Cove Business Entity Development (11004295)

To the General Manager

Directorate: **Council Sustainability**
Department: **Shell Cove**

Manager: Matthew Youell – Director Council Sustainability
Author: Mark Henning – Business Performance and Development Manager

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Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(d) 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
(iii) reveal a trade secret

The naming of both harbour and marina will require Council to register the recommended names for business and trading purposes. If Council does not have the first opportunity to register the names, it risks the names being registered by an independent third party.

Declassification of this Report

This report will be declassified once all resolved actions within the report have been completed.

Summary

The purpose of this report is to seek a resolution from Council to adopt a name for the areas currently referred to and marketed as the Shell Cove Harbour and Shell Cove Marina over the life of the development.

In order to proceed with the establishment of the businesses at Shell Cove, it is necessary to finalise the naming of the harbour and marina. This report details some name options and seeks that Council provide officers with a resolved name for the harbour and marina at Shell Cove.

Background

The Shell Cove Harbour is essentially complete. In addition, Council officers along with Frasers Development are commencing the development of the marina business entity at Shell Cove. This first requires Council to nominate the formal name of the harbour and marina, along with associated logos.

To effectively promote this space, the name must have a concise, yet meaningful description. The name needs to makes sense to locals and still be understood by visitors. The name chosen will be around for a long time and can have substantial impact on the activation of the Shell Cove town centre.

As listed in an article by Marty Zwilling published in the Fortune.com magazine (ie Fortune 500 Companies) titled 10 Rules for Picking a Company Name, a summary of what a name should achieve is as follows ---

- Unique and unforgettable
- Avoid unusual spellings
- Easy to pronounce and remember
- Keep it simple
- Make some sense
- Make sure the name is available
- Give a clue
- Favor common suffixes. Ie easy to use as an internet site
- Don't box yourself in
- Sample potential customers

The marketed name that The Shell Cove Project has promoted; and most people are familiar with, referring to the harbour and marina is the 'Shell Cove Harbour and Shell Cove Marina'.

That said, there now needs to be a formal decision on the name of the harbour and marina at the Shell Cove Project. Some harbour and marina name options are outlined below. Councillors may of course choose a name not listed below:

Harbour Name Examples

The harbour name examples are outlined below:

Local Government Branding Focus

- Shellharbour City Council Harbour
- Shellharbour Cove
- Shellharbour Harbour

Local Area Branding Focus

- Bass Point Harbour
- Shell Cove Harbour
- Waterfront Harbour

Local Cultural Heritage Branding Focus

- Indigenous named Harbour
- European settlers named harbour (e.g. James Cook; George Bass; Matthew Flinders, etc.)

Note: Each of the specific business names noted above are currently available for registering.

Note: The above list of example names are not exhaustive and thus Councillors have the opportunity to select other names.

Marina Name Examples

The marina name examples are outlined below:

Local Government Branding Focus

- Shellharbour Marina
- Shellharbour City Council Marina
- Shellharbour Harbour Marina

Local Area Branding Focus

- Bass Point Marina
- Shell Cove Marina
- Waterfront Marina

Local Cultural Heritage Branding Focus

- Indigenous named Marina (to be considered further if chosen as the focus)
- European settlers named (e.g. James Cook; George Bass; Matthew Flinders, etc.) Marina (to be considered further if chosen as the focus)

Note: Each of the specific business names noted above are currently available for registering.

Note: The above list of example names are not exhaustive and thus Councillors have the opportunity to select other names.

Financial / Resources Implications

The cost of registering a business name is $82 for 3 years.

The cost of registering a domain name is $79 for 1 year.

Note: It is common practice for Business Owners to register a variety of business names associated with the chosen business name and thus the additional cost of registering multiple business and domain names would apply.

Legal and Policy implications

Registration of the recommended business and domain names must take place. If registrations are not promptly requested and approved, Council risks not having access to preferred business and domain names.

Public / Social Impact

Outcomes of this report as recommended will provide the community with a specific branding that defines their harbour and marina that will have the greatest community involvement.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 3.2 Supported by a strong local economy with business and employment opportunities.

Strategy: 3.2.1 Establish the Shell Cove Boat Harbour as a lifestyle and boating destination providing development, tourism and community opportunities.

Consultations

Internal

Nil.

External

Nil.

Political Donations Disclosure

Not applicable.

Recommendation

That Council:

1. **Approve the Shell Cove Business Entity Development actions resolved by Council under confidential matters.**
2. **Declassify the report Shell Cove Business Entity Development once Council officers have completed the necessary actions resolved within the report.**

Approved for Council's consideration:

Date of Meeting: 27 February 2018

Attachments
Nil