

# DRAFT

Minutes 14 March 2006



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 14 March 2006, commencing at 8.44pm.

PRESENT:

Councillors C. Baumann (Mayor); R. Swan (Deputy Mayor); G. Dingle; G. Francis; G Robinson; J Nell; H. Brown; S. Dover; R. Westbury; J. Hodges; K. Jordan; General Manager; Executive Manager – Corporate Management; Facilities and Services Group Manager; Acting Sustainable Planning Group Manager; Business and Support Group Manager, Minutes Clerk

441	Councillor Hodges Councillor Nell	It was resolved that an apology be received from Cr Tucker
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## INDEX

SUBJECT

PAGE NO

**MAYORAL MINUTE .....3**

1. LEASE OF UNIT 1, 27 GEORGE ROAD, SALAMANDER BAY .....4

**MOTIONS TO CLOSE.....5**

1. MOTION TO CLOSE MEETING TO THE PUBLIC .....6

2. MOTION TO CLOSE MEETING TO THE PUBLIC .....7

**CONFIDENTIAL ITEMS .....8**

# MAYORAL MINUTE

# MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2005-1557

## LEASE OF UNIT 1, 27 GEORGE ROAD, SALAMANDER BAY

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THAT COUNCIL:

- 1) Notes the occupancy of Unit 1, 27 George Street, Salamander Bay by Corporate Clean
  - 2) Authorise the Mayor & General Manager to affix the seal of Council to the Lease Grants authority to affix Council's Seal to the Lease Documents.
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442	Councillor Baumann	There being no objection it was resolved that the Mayoral Minute be adopted.
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## BACKGROUND

The purpose of this Mayoral Minute is to grant the authority to the Mayor and the General Manager to sign the Lease and the authority for the affixing of Council's Seal, to the Lease documents.

Port Stephens Council has entered into a Lease for private premises situated at Unit 1, 27 George Street, Salamander Bay on behalf of Corporate Clean. The Lease details are as follows;

Gross Rent:	\$10,400.00pa (Excl GST)
Term:	2 Years
Option:	2 Years
Commencement Date:	23 <sup>rd</sup> May 2005
Termination Date:	22 <sup>nd</sup> May 2007
Rental Increase:	CPI Annually

The terms and conditions of the Lease are in accordance with Council's normal requirements and provide security of tenure for Corporate Clean.

Harris Wheeler Lawyers have acted on behalf of Council as our legal representatives, and have advised that the Lease is required to be signed under Seal.

Under the Conveyancing Act Leases in excess of three (3) years duration, including the option period, are to be registered upon the land to which they apply. If the lease is to be registered the Seal must be affixed upon signing under the Local Government (Meeting) Regulation 1999, section 48.

The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

## MOTIONS TO CLOSE

**ITEM NO. 1**

**FILE NO: 1760-033**

**MOTION TO CLOSE MEETING TO THE PUBLIC**

**AUTHOR: BRONWYN FLINN – BUSINESS PAPER CO-ORDINATOR**

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Tender for the supply of TWO (2) 12 tonne trucks (T23/2005)**
- 2) That the reasons for closing the meeting to the public to consider this item be that:
  - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
  - ii) In particular, the report includes confidential pricing information in respect of **Tender for the supply of TWO (2) 12 tonne trucks (T23/2005)**
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 20(b) of the Local Government (Tendering) Regulation 1999.

<b>443</b>	<b>Councillor Nell Councillor Jordan</b>	<b>It was resolved that the recommendation be adopted.</b>
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**ITEM NO. 2**

**FILE NO:PSC2006-0679**

**MOTION TO CLOSE MEETING TO THE PUBLIC**

**AUTHOR: BRONWYN FLINN – BUSINESS PAPER CO-ORDINATOR**

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 (General Manager's Report) on the Ordinary agenda namely ***Legal Proceedings – Melaleuca Estates Pty Ltd v Port Stephens Council.***
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information concerning Council's legal position and advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
- 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
- 4) That the report and the minutes of the closed part of the meeting remain confidential until the matter is settled.

<b>444</b>	<b>Councillor Nell Councillor Jordan</b>	<b>It was resolved that the recommendation be adopted.</b>
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# CONFIDENTIAL ITEMS

445	Councillor Nell Councillor Jordan	It was resolved that Council move into confidential session.
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*I certify that pages 1-8 of the Ordinary Minutes of Council dated 14 March 2006 were confirmed by Council at its meeting held on Tuesday 18<sup>th</sup> April 2006.*

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**Cr Craig Baumann**  
**MAYOR**