

Minutes 10 April 2007



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 10 April 2007, commencing at 8.20pm.

PRESENT:

S. Tucker (Deputy Mayor); H. Brown; G. Dingle; S. Dover; J. Hodges; K. Jordan; J. Nell; G. Robinson; General Manager; Executive Manager – Corporate Management, Facilities and Services Group Manager; Sustainable Planning Group Manager; Business and Support Group Manager.

080	Councillor Jordan Councillor Hodges	It was resolved that the apology from Councillor R Swan (Mayor), Councillors Baumann, Westbury and Francis be received and noted.
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MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO:PSC2007-0060

RECATEGORYISATION OF LAND IN KING, PETER DRON AND BOURKE STREET RAYMOND TERRACE.

THAT COUNCIL:

- 1) Approve the recategorisation of lots Lot 21 DP 788588, Lot 1 DP 250593, Part Lot 1 DP 85666, Part Lot 84 DP 1106659, from Community Land (Natural Area – Foreshore) to Community Land (General) **ATTACHMENT 1.**

ORDINARY MEETING OF COUNCIL – 10 April 2007

RESOLUTION:

081	Cr Swan	There being no objection it was resolved that the Mayoral Minute be adopted.
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BACKGROUND

On 25th January 2007, the Mayor, under delegated authority, authorised the public exhibition of the proposed amendments to the Natural Areas Plan of Management, Foreshore Plan of Management and the General Community Use Plan of Management in relation to recategorisation the subject properties. In accordance with the requirements of the Local Government Act, amendments to the relevant Plans of Management were made and advertisement of the proposal was undertaken for a period of 21 days. The advertising commenced on 09th February 2007 and invited public comment and submissions to be received on or before 23rd March 2007.

A further requirement of the recategorisation process is that a public meeting be held following the completion of the advertising period. This was held on 15 March 2007 and independently facilitated by Caddie Marshall, Facilitator/Chair. The purpose of the meeting was to allow Council to outline the proposal and record any issues raised by interested parties.

The issues listed below were identified at the meeting and have been addressed as described. Several of these issues are in relation to the DA that is currently being assessed over Council's adjoining Operational Land rather than the recategorisation, however they were noted for consideration.

1. Car Parking – Number of Allocated Spaces.

DA Issue – King & William Street site. The number of spaces being provided exceeds the requirements of the current Development Consent in conjunction with spaces provided on the King/William Street site development.

- 2. Stormwater – Access, Egress, Infiltration, Drainage and Retention**
DA Issue – King, Bourke and Peter Dron Street. To be considered in normal assessment process.
- 3. Traffic Control Into the Proposed Car Park – King, Bourke and Peter Dron Streets – Pedestrians, Pathway Linkages and Trucks**
DA Issue – King, Bourke and Peter Dron Street. To be considered in normal assessment process. An alternative access point is currently being considered to minimise this impact.
- 4. Landscaping**
DA Issue – King, Bourke and Peter Dron Street. To be considered in normal assessment process. Applicant to provide appropriate landscaping as directed.
- 5. Intended Land Use**
Adjoining Operational land is to be utilized for car parking. Future use for the land to be recategorised is to be finalised, however recategorisation allows greater flexibility of options.
- 6. Access/impacts on Adjoining Land**
Recategorisation has no direct impact on adjoining land.
- 7. Conflict With Existing Right of Carriageway**
Existing Right of Carriage way will not be affected by recategorisation. Council officers have met separately with Peter and Julie Reid who are the beneficiaries of the Right of Way and confirmed that there is no impact or affectation.
- 8. Usage Limitations – Restrictions to Lot 2 King Street**
DA Issue – King, Bourke and Peter Dron Street. To be considered in normal assessment process. An alternative access point is currently being considered to minimise this impact.
- 9. Levy Bank - Definition of Levy Bank Toe (control and ownership)**
Extent of levy bank to be defined by survey. Control and ownership of levy bank will remain with Council, none of this area will be restricted to private use.
- 10. Sequencing of Recategorisation Based on Physical Features**
Refers to levy bank and any potential impact. As discussed, recategorisation will have no affect on any existing natural features. Transition area of Natural Area – Foreshore will be retained between levy bank and water.
- 11. Flood Study**
Residents concerns in relation to past and future flooding of the area were noted. To be addressed as a separate planning issue.
- 12. Safety**
DA Issue – King, Bourke and Peter Dron Street. Specifically in relation to parking of vehicles and possible anti social behaviour in the area. This is in relation to the Operational Land to be used for car parking.
- 13. Consideration of Alternative Usage for the Land**
Noted. Participants requested Council consider all options in relation to the potential future use of the area.

- 14. Future Land Usage of Adjoining Operational Land**
Participants advised that if DA – King, Bourke and Peter Dron Streets is successful, Operational Land would be used for car parking.
- 15. Strategies for Future Growth re Car Parking Requirements**
Noted. Participants advised car parking demands in the area were increasing and requested Council consider options for meeting additional parking requirements.
- 16. Due Process – Full Explanation of Clarification of Intent and Purposes.**
Noted. Some participants were unsure of difference between recategorisation and reclassification and the respective processes. This was clarified.
- 17. Transparency of Recategorisation Process and Intent**
Noted. Some participants expressed concern that there was conflict between the original DA notification plan they received in relation to the original car parking proposal, and how this may impact on the Community Land.
- 18. Strategic Planning**
Noted. As per above.
- 19. Main Initiator for the Recategorisation was to Facilitate the DA Approval – This Was Not Transparent?**
Noted. There was discussion on the current car parking proposal by Buildev. It was also clarified that the current DA does not affect the Community Land and is only in relation to Council's Operational Land.
- 20. What Is In It for the Rate Payer**
Greater flexibility of management of the site ie change of category allows significantly more options to be considered including provision of community facilities These would otherwise be prohibited under the current categorization of Natural Area – Foreshore.
- 21. Degree of Community Consultation.**
Noted. Participants requested more integrated system of notification in relation to DA issue and recategorisation of land ie if and how the two are related.

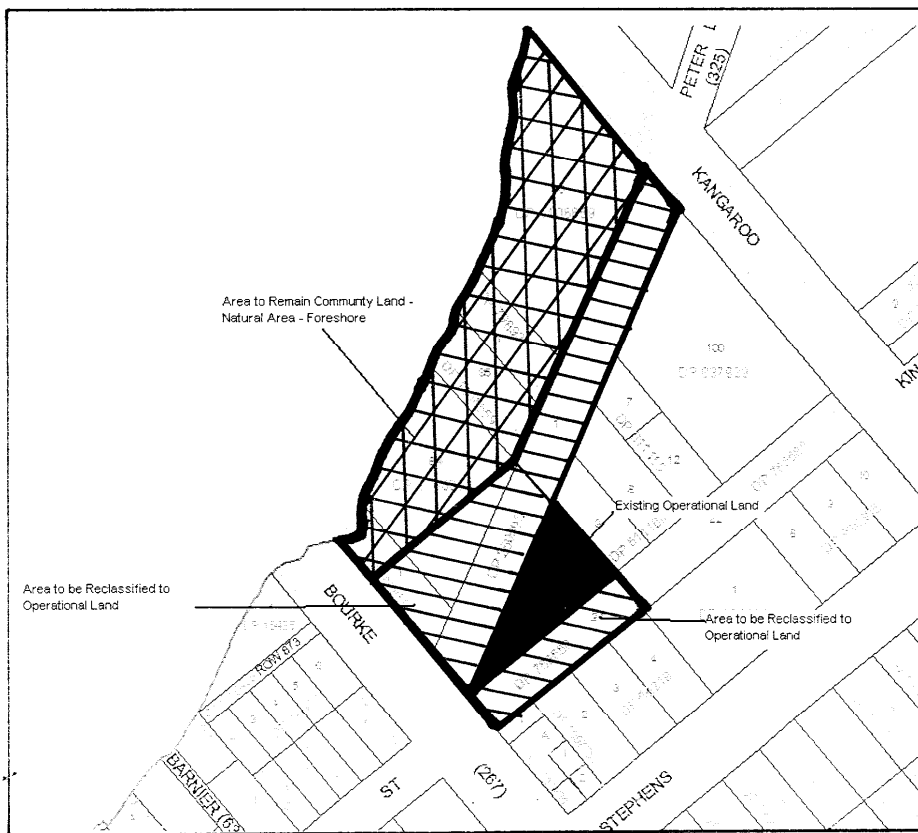
All of the requirements for the recategorisation of the land have now been fulfilled in accordance with the provisions of the Local Government Act. The process for recategorisation is a relatively straight forward process and a final resolution of Council is the only remaining requirement to complete the transition from Community Land - Natural Area – Foreshore to Community Land – General Community Use.

It should be noted that the successful *recategorisation* of the land does not affect its *classification* ie the land remains Community Land. A separate report was approved by Council on 27th March 2007 to commence the process for the reclassification of the subject land from Community Land to Operational Land. The recategorisation allows greater flexibility in the interim period, prior to an outcome of the reclassification process.

ATTACHMENT 1

RECLASSIFICATION PROPOSAL

Lot 21 DP 788588 – 1B Bourke Street, Raymond Terrace
Lot 1 DP 250593 – 1A Peter Dron Street, Raymond Terrace
Part Lot 1 DP 85666 - 2 Peter Dron Street, Raymond Terrace
Part Lot 84 DP 1106659 - 6 Peter Dron Street, Raymond Terrace



MAYORAL MINUTE

ITEM NO. 2

FILE NO: PSC2007-0060

LEASE OF LAND – KING, PETER DRON AND BOURKE STREETS, RAYMOND TERRACE

THAT COUNCIL:

- 1) Enter into a **Deed of Agreement to Lease** in respect of Lot 21 DP 788588, Lot 1 DP 250593, Part Lot 1 DP 85666 and Part Lot 84 DP 1106659, Lot 10 DP 939306, Lot 11 DP 939306. **ATTACHMENT 1.**
- 2) Enter into a **Lease**, Lot 21 DP 788588, Lot 1 DP 250593, Part Lot 1 DP 85666 and Part Lot 84 DP 1106659 (existing Community Land) and a **Lease** of Lot 10 DP 939306, Lot 11 DP 939306 (existing Operational Land). **ATTACHMENT 1.**
- 3) Authorise the Mayor and General Manager to affix the seal of Council to the Deed of Agreement to Lease and the respective Lease documents in relation to each of the areas.

ORDINARY MEETING OF COUNCIL – 10 April 2007

RESOLUTION:

082	Cr Swan	There being no objection it was resolved that the Mayoral Minute be adopted.
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BACKGROUND

Council recently granted Development Consent to Buildev Pty Ltd for the construction of a three storey commercial premises on the corner of King & William Street, Raymond Terrace. The purpose of the building is to provide office accommodation and appropriate facilities, including car parking, for the Department of Defence (DOD). The contractual agreement between Buildev and DOD requires the developer to provide office accommodation for 250 staff and 110 car parking spaces.

The Development Application lodged by Buildev provides the required office space on the King/William Street site, however, it cannot accommodate the total number of required car parking spaces. Under the terms of the Development Consent issued, the developer is required to provide 65 car parking spaces, 37 of which will be accommodate on site, with the balance to be provided on Council's King/Bourke/Peter Dron Street site (**ATTACHMENT 1**).

Council's land located at King/Bourke/Peter Dron Streets consists of both Community and Operational Land. Under its agreement with DOD, Buildev is required to obtain, and retain control, of any lands on which the car park is constructed, and accordingly, they would need

MINUTES FOR ORDINARY MEETING – 10 APRIL 2007

to enter into an appropriate lease agreement with Council. The relevant lots are classified as follows, and identified on the attached plan (**ATTACHMENT 1**):

Lot 10 DP 939306	Operational
Lot 11 DP 939306	Operational
Lot 21 DP 788588	Community
Lot 1 DP 250593	Community
Part Lot 1 DP 85666	Community
Part Lot 84 DP 1106659	Community

While there is no impediment to the lease of the Operational portion of this land, there are restrictions on Council's ability to deal with the Community Land. Its classification restricts Council's ability to lease the land under terms acceptable to the parties. In order to remedy this, reclassification of the affected land from Community to Operational has commenced as per the report approved by Council on 27th March 2007 Min #058 (**ATTACHMENT 2**).

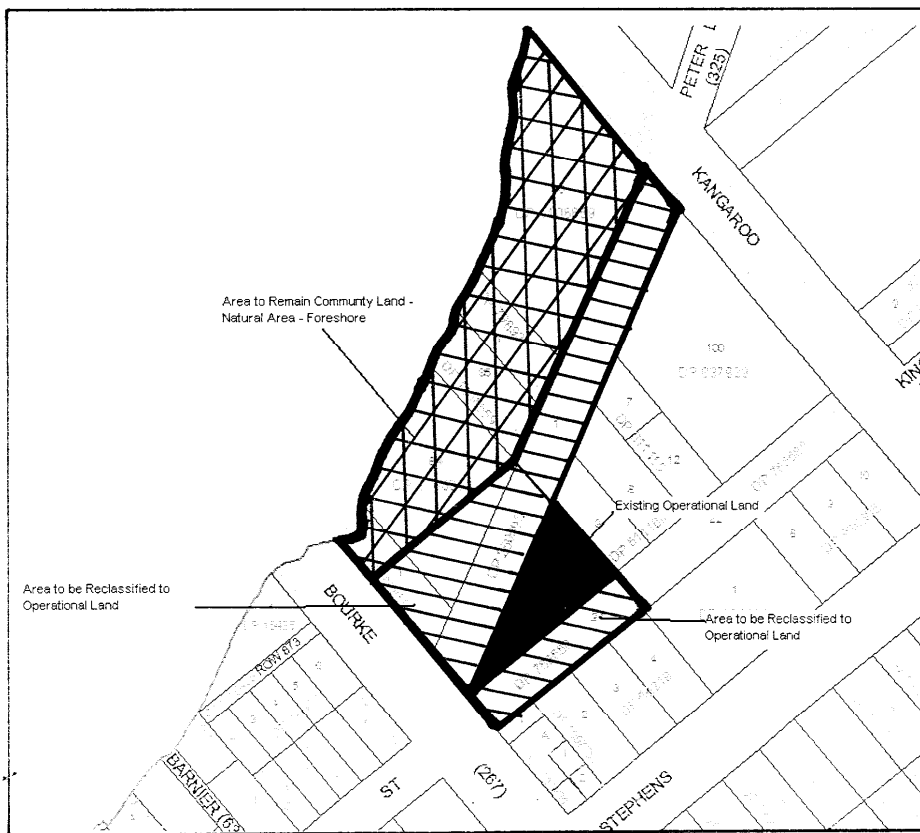
As the land in question is currently partially classified Community Land, Council must enter into a leasing arrangement in two stages. Firstly, on completion of the recategorisation, a Deed of Agreement to Lease may be entered into which essentially grants a lease covering both the Operational and Community Land. This agreement complies with the requirements of the Local Government Act in relation to the lease of Community Land but only grants tenure for a period of five years in relation to the Community land.

On the successful reclassification of the Community Land to Operational Land, the parties may then enter into one Lease Agreement for the total area. Under the Operational Land provisions, Council may enter into a commercial lease agreement, with terms and conditions acceptable to both parties. In this respect a draft lease agreement has been negotiated, incorporating provision for market rent subject to annual review. This lease agreement may be entered into following the successful reclassification of the Community Land.

ATTACHMENT 1

RECLASSIFICATION PROPOSAL

Lot 21 DP 788588 – 1B Bourke Street, Raymond Terrace
Lot 1 DP 250593 – 1A Peter Dron Street, Raymond Terrace
Part Lot 1 DP 85666 - 2 Peter Dron Street, Raymond Terrace
Part Lot 84 DP 1106659 - 6 Peter Dron Street, Raymond Terrace



ATTACHMENT 2

MINUTES FOR ORDINARY MEETING – 27 MARCH 2007

ITEM 1 OF THE OPERATIONS COMMITTEE WAS DEALT WITH AS THE FIRST ITEM IN THE STRATEGIC COMMITTEE.

ITEM NO. 2

FILE NO: PSC 2007-0060

PROPOSAL TO SUBMIT A REQUEST FOR THE RECLASSIFICATION OF COMMUNITY LAND, PETER DRON STREET, KING STREET & BOURKE STREETS, RAYMOND TERRACE

AUTHOR: MALCOLM CAMPBELL – BUSINESS DEVELOPMENT MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Submit the request to consider the reclassification of 1B Bourke Street - Lot 21 DP 788588, 1A Peter Dron Street - Lot 1 DP 250593, 2 Peter Dron Street – Part Lot 1 DP 85666 & 6 Peter Dron Street – Part Lot 84 DP 1106659, Raymond Terrace from Natural Areas (Foreshore) to General Community Use to Operational Land.

OPERATIONS COMMITTEE MEETING – 13 March 2007

RECOMMENDATION:

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 27 March 2007

RESOLUTION:

058	Councillor Jordan Councillor Hodges	That the Recommendation be adopted.
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ATTACHMENT 2

COMBINED STRATEGIC/OPERATIONS COMMITTEE -13 MARCH 2007

ITEM NO. 2

FILE NO: PSC 2007-0060

PROPOSAL TO SUBMIT A REQUEST FOR THE RECLASSIFICATION OF COMMUNITY LAND, PETER DRON STREET, KING STREET & BOURKE STREETS, RAYMOND TERRACE

AUTHOR: MALCOLM CAMPBELL – BUSINESS DEVELOPMENT MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Submit the request to consider the reclassification of 1B Bourke Street - Lot 21 DP 788588, 1A Peter Dron Street - Lot 1 DP 250593, 2 Peter Dron Street – Part Lot 1 DP 85666 & 6 Peter Dron Street – Part Lot 84 DP 1106659, Raymond Terrace from Natural Areas (Foreshore) to General Community Use to Operational Land.

BACKGROUND

The purpose of this report is to seek Council's consent, as the land owner, to submit a request to reclassify Council owned land. The subject land is 1B Bourke Street (Lot 21 DP 788588), 1A Peter Dron Street (Lot 1 DP 250593), 2 Peter Dron Street (Part Lot 1 DP 85666) & 6 Peter Dron Street (Part Lot 84 DP 1106659), Raymond Terrace. The proposed change is from Community Land to Operational Land. A locality map is contained in the Attachments.

This report seeks to gain Council's support, as the landowner, for the lodgement of the reclassification request. Should the above recommendation be supported then the relevant application will be submitted to the Sustainable Planning Group for consideration and assessment. Following finalisation of the assessment, a report outlining the outcomes and final recommendation will be submitted to Council.

The subject land is currently classified Community Land and further categorised as a Natural Area – Foreshore. The prescribed uses under the category of Foreshore are prohibitive in that they allow only limited activities to take place on the site. A process is presently under way to recategorise the subject land from Natural Area - Foreshore to General Community Use. Upon the land being recategorised to General Community Use the practical management of the site will be less constrained. The recategorisation will also allow for "structures" to exist within the site, provided they are compatible with the core objectives of the General Community Use category. It is anticipated that this process may be complete by mid April 2007, with a report outlining the process and outcomes to be presented to Council on 10 April 2007.

If successful, one of the objectives of reclassifying the area is to make it available for both public and private vehicle parking. Such an outcome will facilitate the current Development Application on the King/Bourke Street site (commonly known as the Buiildev site) by allowing appropriate provision to be made for car parking off their immediate site. This may be achieved under the terms and conditions of an appropriate lease agreement with Council with provision for a market rent return. The additional benefit to Council and the public is that

ATTACHMENT 2

COMBINED STRATEGIC/OPERATIONS COMMITTEE -13 MARCH 2007

public car parking is also made available to users of the adjoining reserves and sporting facilities.

It should be noted that the area immediately adjacent to the foreshore will remain Community Land – Natural Area – Foreshore, as identified on the attached plan. Its use and classification will remain unaffected by the present proposal and the zoning will remain unchanged. As per the Development Consent issued in relation to the Buldev site, there is a requirement to enhance the natural foreshore area with promenades and boardwalks and the provision of car parking adjacent to this area will further encourage public use of this area.

LINKS TO CORPORATE PLANS

The relevant part of the Council Plan in this instance relates to "Community Services and Facilities". The proposal to reclassify the subject land through submitting a reclassification request is consistent with the strategic direction to "sustainably manage in a way which allows residents and visitors comprehensive opportunities for recreational activities." The construction of a car park on the land which is the subject of this proposal supports the utilisation recreational facilities within both the immediate and surrounding area.

FINANCIAL/RESOURCE IMPLICATIONS

There is a financial cost implication in the short term in respect of the fees required for the reclassification application.

LEGAL AND POLICY IMPLICATIONS

The land is currently classified as Community Land and is zoned 5(g) Special Uses (Flood Affected). To facilitate the development as proposed, it will be necessary to change the classification to Operational.

Australian Business Excellence Framework

This aligns with Principles 1, 3, 8 & 11 of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals.
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action.
- 8) Effective use of facts, data and knowledge leads to improved decisions.
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The proposed reclassification is intended to facilitate development on land which is well located with respect to support services such as community facilities, commercial and employment centres and open space.

ATTACHMENT 2

COMBINED STRATEGIC/OPERATIONS COMMITTEE -13 MARCH 2007

ECONOMIC IMPLICATIONS

Upon finalisation of appropriate lease documentation and construction of the proposed car park, Council will receive an annual commercial rental from the lessee. The lessee will also maintain the car park area and accordingly the return created is positive.

ENVIRONMENTAL IMPLICATIONS

The reclassification from Community Land to Operational Land reduces the total area of Community Land in the immediate vicinity, however, the reduction is not significant. In return, the community facilities to be provided in accordance the Development Consent for the Buildev site will enhance the natural foreshore environment by providing promenades, boardwalks and additional beautification of the foreshore area.

CULTURAL IMPLICATIONS

Nil

CONSULTATION

Business Development Section
Strategic Planning
Recreation Services

The processing of the request will require formal exhibition of the reclassification and Council will need to engage the services of an appropriate person to conduct a hearing to consider the reclassification.

OPTIONS

- 1) To resolve to submit the reclassification request as detailed above, or
- 2) Defer for further information.

ATTACHMENTS

- 1) Locality Plan

TABLED DOCUMENTS

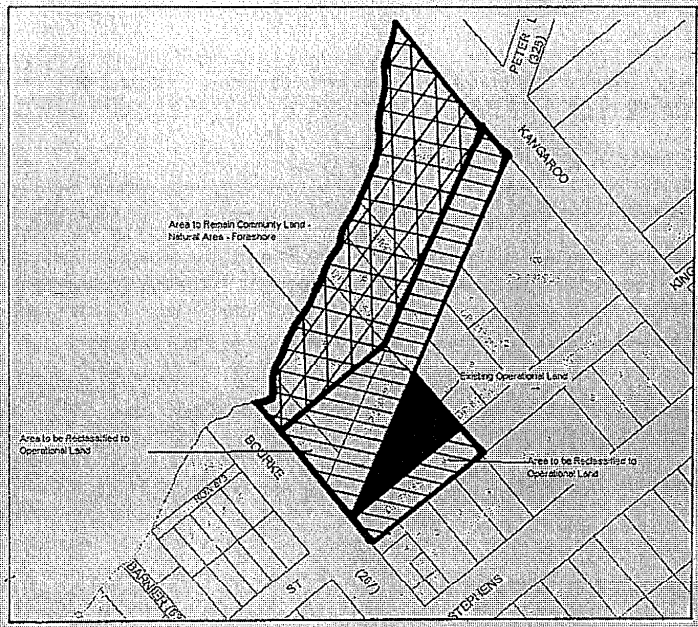
Nil

ATTACHMENT 2

ATTACHMENT 1

RECLASSIFICATION PROPOSAL

- Lot 21 DP 788588 – 1B Bourke Street, Raymond Terrace
- Lot 1 DP 250593 – 1A Peter Dron Street, Raymond Terrace
- Part Lot 1 DP 85666 - 2 Peter Dron Street, Raymond Terrace
- Part Lot 84 DP 1106659 - 6 Peter Dron Street, Raymond Terrace



MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 1740-188

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d)(i) 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 Operations Committee agenda namely **TENDER – DEBT COLLECTION SERVICES**.
 - 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 the **Tender for Debt Collection Services**.
 - 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 179 of the Local Government (General) Regulation 2005.
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ORDINARY MEETING OF COUNCIL – 10 April 2007

RESOLUTION:		
083	Cr Nell Cr Jordan	That the Recommendation be adopted.

ITEM NO. 2

FILE NO: 1779-004

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE, EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d)(i) 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 2 on the Operations Committee agenda namely **NEWCASTLE AIRPORT SECURITY TENDER.**
 - 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 the **Tender for Newcastle Airport Security.**
 - 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 179 of the Local Government (General) Regulation 2005.
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ORDINARY MEETING OF COUNCIL – 10 April 2007

RESOLUTION:		
084	Cr Nell Cr Jordan	That the Recommendation be adopted.

ITEM NO. 3

FILE NO: PSC2006-1939

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d)(i) 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 3 on the Operations Committee agenda namely **RAYMOND TERRACE SPORTS FIELD REDEVELOPMENT – CALL FOR DETAILED PROPOSALS (CFDP)**
 - 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 proponents; and
 - (ii) In particular, the report includes confidential pricing information in respect of the **RAYMOND TERRACE SPORTS FIELD REDEVELOPMENT CALL FOR DETAILED PROPOSALS (CFDP)**.
 - 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 179 of the Local Government (General) Regulation 2005.
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ORDINARY MEETING OF COUNCIL – 10 April 2007

RESOLUTION:

085	Cr Nell Cr Jordan	That the Recommendation be adopted.
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ITEM NO. 4

**FILE NO: A2004-0908, A2004-0898,
PSC2007-0913, PSC2007-0703
PSC2007-0918, A2004-0875**

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(c) 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 4 on the Operations Committee agenda namely **DISPOSAL OF COUNCIL OWNED LAND**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - 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 it may prejudice Council's commercial position and Council should have the same protection for its confidential commercial activities as that applying to other persons.
 - 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.
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ORDINARY MEETING OF COUNCIL – 10 April 2007

RESOLUTION:

086	Cr Nell Cr Jordan	That the Recommendation be adopted.
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ITEM NO. 5

FILE NO: A2004-0860

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(c) 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 5 on the Operations Committee agenda namely **155 SALAMANDER WAY, SALAMANDER BAY – LOT 284 , DP 806310**
 - 2) That the reasons for closing the meeting to the public to consider this item be that it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - 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 it may prejudice Council's commercial position and Council should have the same protection for its confidential commercial activities as that applying to other persons.
 - 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.
-

ORDINARY MEETING OF COUNCIL – 10 April 2007

RESOLUTION:		
087	Cr Nell Cr Jordan	<ol style="list-style-type: none"> 1) That pursuant to section 10A(2)(c) of the <u>Local Government</u> Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 5 on the Operations Committee agenda namely 155 SALAMANDER WAY, SALAMANDER BAY – LOT 284 , DP 806310 2) That the reasons for closing the meeting to the public to consider this item be that it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

MINUTES FOR ORDINARY MEETING – 10 APRIL 2007

		<p>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 it may prejudice Council's commercial position and Council should have the same protection for its confidential commercial activities as that applying to other persons.</p> <p>4) That the minutes of the closed part of the meeting and the report are to remain confidential until commercial negotiations are complete.</p>
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ITEM NO. 6

FILE NO: 1740-191

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d)(i) 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 5 on the Operations Committee agenda namely **TENDER T03-2007 PARTIAL RECONSTRUCTION OF SEAHAM ROAD.**
 - 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 the **Tender for Partial Reconstruction of Seaham Road.**
 - 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 179 of the Local Government (General) Regulation 2005.
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ORDINARY MEETING OF COUNCIL – 10 April 2007

RESOLUTION:		
088	Cr Nell Cr Jordan	That the Recommendation be adopted.

ITEM NO. 7

FILE NO: 17470-192

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d)(i) 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 Operations Committee agenda namely **TENDER FOR THE SUPPLY OF ONE (1) ROAD GRADER (T06-2007)**.
 - 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 the **TENDER FOR THE SUPPLY OF ONE (1) ROAD GRADER (T06-2007)**.
 - 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 179 of the Local Government (General) Regulation 2005.
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ORDINARY MEETING OF COUNCIL – 10 April 2007

RESOLUTION:		
089	Cr Nell Cr Jordan	That the Recommendation be adopted.

CONFIDENTIAL ITEMS



In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY MEETING OF COUNCIL – 10 April 2007

RESOLUTION:

090	Cr Robinson Cr Nell	That Council move into Confidential Session
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There being no further business the meeting closed at 8.23pm.

I certify that pages 1-25 of the Ordinary Minutes of Council dated 10 April 2007 were confirmed by Council at its meeting held on Tuesday 24 April 2007.

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CR Ron Swan
MAYOR