

Minutes 10 July 2007



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 10 July 2007, commencing at 7.50pm.

PRESENT:

Councillors R. Swan (Mayor); S. Tucker (Deputy Mayor); H. Brown; G. Dingle; S. Dover; G. Francis; K. Jordan; G. Robinson; R. Westbury; General Manager; Executive Manager – Corporate Management, Facilities and Services Group Manager; Sustainable Planning Group Manager; Business and Support Group Manager.

172	Councillor Jordan Councillor Francis	It was resolved that the apology from Cr Baumann, Cr Hodges and Cr Nell be received and noted.
-----	---	--

INDEX

<u>SUBJECT</u>	<u>PAGE NO</u>
MAYORAL MOTION TO CLOSE.....	3
1. MOTION TO CLOSE MEETING TO THE PUBLIC	4
MOTIONS TO CLOSE.....	5
1. MOTION TO CLOSE MEETING TO THE PUBLIC	6
2. MOTION TO CLOSE MEETING TO THE PUBLIC	7
3. MOTION TO CLOSE MEETING TO THE PUBLIC	8
4. MOTION TO CLOSE MEETING TO THE PUBLIC	9
CONFIDENTIAL ITEMS	10
1. ALLEGED ILLEGAL CLEARING OF VEGETATION – 60 PORT STEPHENS DRIVE, TAYLORS BEACH	11
2. ALLEGED ILLEGAL CLEARING OF VEGETATION – 60 PORT STEPHENS DRIVE, TAYLORS BEACH	12
3. T08 – 2007 PROCESSING OF GREEN / WOOD WASTE	41
4. TENDER FOR THE SUPPLY OF ONE (1) STREET SWEEPER (T09-2007)	47
5. TENDER T11-2007 CASWELLS CREEK BRIDGE REPLACEMENT	54
6. TENDER T14-2007 EASTERN APRON EXTENSION – NEWCASTLE AIRPORT	59

MAYORAL MOTION TO CLOSE

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0573

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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 (Mayoral Minute) on the Ordinary agenda namely ***Alleged illegal clearing of vegetation – 60 Port Stephens Dr, Taylors Beach.***
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information concerning the commercial arbitration and legal costs incurred 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.

ORDINARY MEETING OF COUNCIL – 10 JULY 2007

RESOLUTION:

173	Councillor Jordan Councillor Dingle	That the Recommendation be adopted.
-----	--	-------------------------------------

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: FS T08-2007

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 – T08-2007 PROCESSING OF GREEN/WOOD WASTE**.
 - 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 T08-2007 Processing of Green/Wood Waste**.
 - 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.
-

ORDINARY MEETING OF COUNCIL – 10 July 2007

RESOLUTION:		
174	Councillor Jordan Councillor Dingle	That the Recommendation be adopted.

ITEM NO. 2

FILE NO: BS09-2007

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 **TENDER FOR THE SUPPLY OF ONE (1) STREET SWEEPER (T09-2007)**
 - 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) Street Sweeper (T09-2007)**.
 - 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.
-

ORDINARY MEETING OF COUNCIL – 10 July 2007

RESOLUTION:

175	Councillor Jordan Councillor Dingle	That the Recommendation be adopted.
------------	--	--

ITEM NO. 3

FILE NO: FST 11-2007

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 **TENDER – T11-2007 CASWELLS CREEK BRIDGE REPLACEMENT**.
 - 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 T11-2007 Caswells Creek Bridge Replacement**.
 - 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.
-

ORDINARY MEETING OF COUNCIL – 10 July 2007

RESOLUTION:

176	Councillor Jordan Councillor Dingle	That the Recommendation be adopted.
------------	--	--

ITEM NO. 4

FILE NO: FST 11-2007

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 4 on the Operations Committee agenda namely **TENDER – T14-2007 EASTERN APRON EXTENSION – NEWCASTLE AIRPORT.**
 - 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 T14-2007 Eastern Apron Extension – Newcastle Airport.**
 - 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.
-

ORDINARY MEETING OF COUNCIL – 10 July 2007

RESOLUTION:

177	Councillor Jordan Councillor Dingle	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 July 2007

RESOLUTION:

178	Councillor Jordan Councillor Robinson	That Council move into Confidential Session.
------------	--	---

There being no further business the Meeting closed at 8.10pm.

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

.....

**Cr Ron Swan
MAYOR**