

Minutes 11 September 2007



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 11 September 2007, commencing at 5.52pm.

PRESENT:

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

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MINUTES FOR ORDINARY MEETING – 11 SEPTEMBER 2007

Councillor Baumann moved a Motion that the Operations Committee Confidential items be brought forward and dealt with in the Ordinary Council meeting prior to the Operations Committee meeting due to the health of the Chair.

ORDINARY MEETING OF COUNCIL – 11 September 2007

RESOLUTION:

247	Cr Baumann Cr Nell	That the Motion be adopted.
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On being put the Motion was carried.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO:A2004-0028

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE, EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d)(ii) 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 **NEWCASTLE AIRPORT BORROWINGS**.
- 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include details of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of Council;
- 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 – 11 SEPTEMBER 2007

RESOLUTION:

248	Cr Baumann Cr Nell	That the Recommendation be adopted.
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Councillor Hodges left the meeting at 5.55pm during Item 1.
Councillor Hodges returned to the meeting 5.57pm during Item 1.

ITEM NO. 2

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 2 on the Ordinary agenda namely **SEABREEZE ESTATE**.
- 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 – 11 September 2007

RESOLUTION:

249	Cr Baumann Cr Nell	That the Recommendation be adopted.
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ORDINARY MEETING OF COUNCIL – 11 September 2007

RESOLUTION:

250	Cr Jordan Cr Hodges	That Council move into Confidential Session.
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CONFIDENTIAL ITEMS

There being no further business the meeting closed at 7.32pm.

I certify that pages 1-7 of the Ordinary Minutes of Council dated 11 September 2007 were confirmed by Council at its meeting held on 30 October 2007.

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**Cr Ron Swan
MAYOR**