

Minutes 10 March 2009



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 10 March 2009, commencing at 7.27pm.

PRESENT: Councillors B. MacKenzie, (Mayor); S. Dover; G. Dingle; P. Kafer, K. Jordan; D. Maher, S. O'Brien, S. Tucker, F. Ward; General Manager; Corporate Excellence Group Manager, Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager and Executive Officer.

056	Councillor Bruce MacKenzie Councillor Ken Jordan	It was resolved that the apologies from Councillors John Nell, Glenys Francis and Bob Westbury be received and noted.
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MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0573

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

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 Unauthorised Sand Mining***.
- 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 – 10 MARCH 2009

RESOLUTION:

057	Councillor Bruce Mackenzie	There being no objection the Mayoral Minute was adopted.
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MAYORAL MINUTE

ITEM NO. 1

FILE NO:PSC2005-2680

CAMPVALE TRUNK DRAIN

THAT COUNCIL:

As a matter of urgency Council finalises negotiations and acquisition of Drainage Easements over properties affected by the Campvale Drain where suitable easements have not been created.

ORDINARY MEETING – 10 MARCH 2009

RESOLUTION:

058	Councillor Bruce Mackenzie	There being no objection the Mayoral Minute was adopted.
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BACKGROUND

General Description

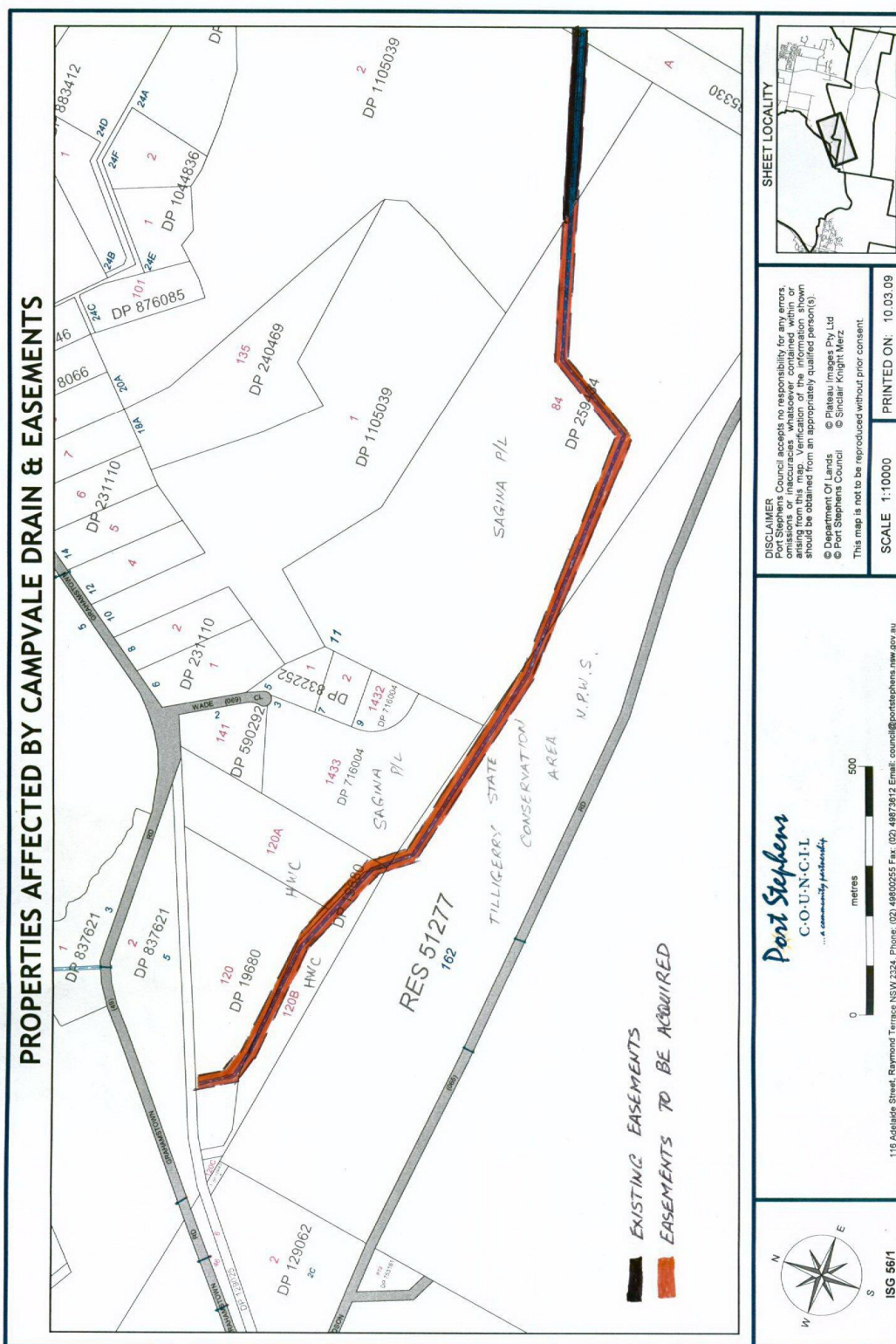
The Campvale main trunk drain is approximately 6.3km from the Hunter Water Corporation Pumps on Grahamstown Road to Ferodale Road Medowie. The drain is unlined and varies from 5 to 9m in width and 0.5m to 2m in depth. This drain provides an outlet for the 18km² catchment that includes the Sutton Park Catchment in Medowie and Brocklesby Roads to the north and east, Richardson Rd to the South and the Grahamstown Dam to the West. The catchment north of Ferodale Road includes rural, rural residential, urban residential and commercial / industrial. The area south of Ferodale Road is low lying agricultural land.

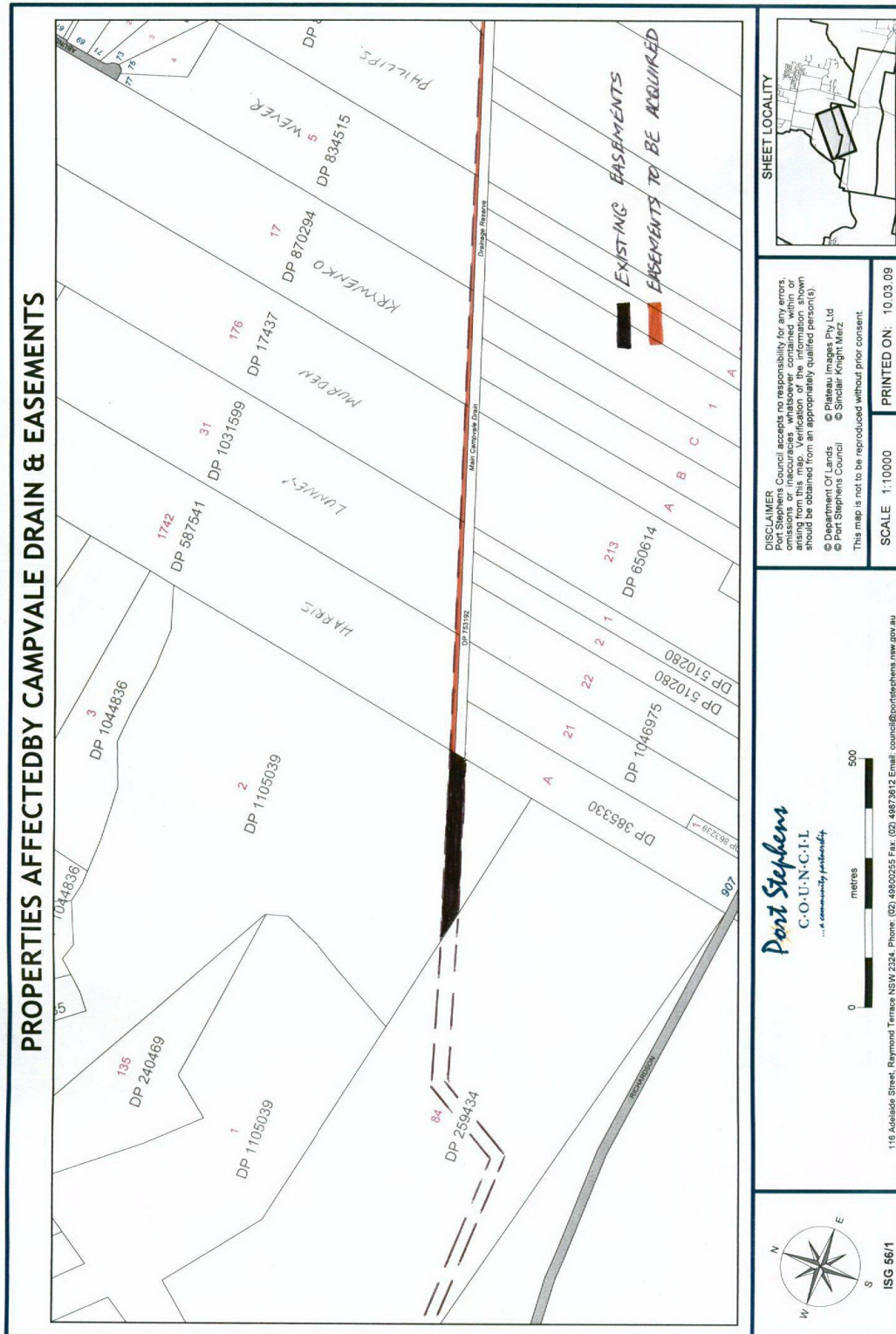
Importance of the Trunk Drain

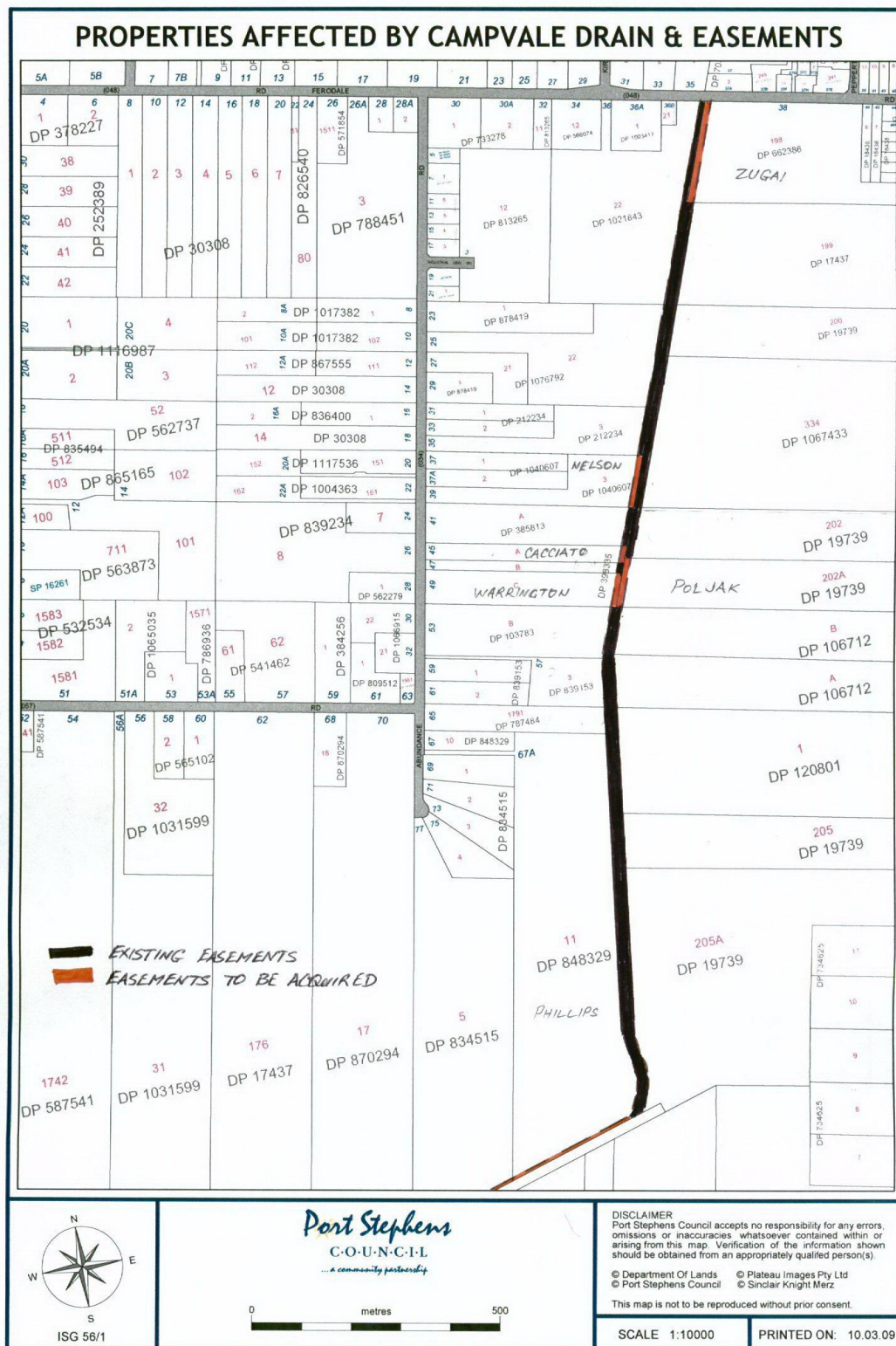
The Hunter Water Corporation Pump Station at the end of Campvale Main Trunk Drain is the only outlet for this catchment. It is then obvious that without this drain the catchment would undergo frequent flooding. There have been some community questions as to the efficiency of this drain with current and proposed land developments in the catchment. It is proposed that a drainage study be undertaken as part of the Medowie Strategy to determine the most effective solution to improve the drainage for this catchment. If the drainage study agrees with anecdotal evidence from local residents, the drain may require some improvements and hence easements over the length of the drain.

Easements on the Trunk Drain

To date Council has acquired 18 easements out of the some 33 properties that cover the length of the drain.







MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: PSC2007-0720

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

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 Ordinary Meeting agenda namely **Acquisition of Land – Tilligerry Plaza, 55 Beatty Boulevard, Tanilba Bay.**
- 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include:
 - a) details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 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 – 10 MARCH 2009

RESOLUTION:

059	Councillor Steve Tucker Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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ITEM NO. 2

FILE NO: 1779-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

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 2 on the Ordinary Meeting agenda namely **Soldiers Point Boatramp Pontoons**.
- 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 **Soldiers Point Boatramp Pontoons**.
- 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 – 10 MARCH 2009

RESOLUTION:

060	Councillor Steve Tucker Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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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 COUNCIL - 10 MARCH 2009

061	Councillor Daniel Maher Councillor Geoff Dingle	It was resolved that Council move into Confidential session.
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Councillor Jordan left the meeting at 7.34pm prior to the Confidential Mayoral Minute Item 1 of the confidential session.

Councillor Jordan returned to the meeting at 7.57pm at the conclusion of Confidential Mayoral Minute Item 1 to the confidential session.

There being no further business the meeting closed at 8.04pm.

MAYORAL MINUTE

ITEM NO. 1

FILE NO:PSC2008-4603

ALLEGED UNAUTHORISED SAND MINING

ORDINARY MEETING – 10 MARCH 2009

RESOLUTION:

062	Councillor Bruce Mackenzie	There being no objection the Mayoral Minute was adopted to receive and note the attached Confidential Information Paper.
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CONFIDENTIAL

ITEM NO. 1

FILE NO: PSC2007-0720

**ACQUISITION OF LAND – TILLIGERRY PLAZA, 55 BEATTY BOULEVARDE
TANILBA BAY**

REPORT OF: CARMEL FOSTER – COMMERCIAL PROPERTY MANAGER

ORDINARY MEETING – 10 MARCH 2009

RESOLUTION:

063	Councillor Ken Jordan Councillor Shirley O'Brien	It was resolved that Council take no further action to secure the property.
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CONFIDENTIAL

ITEM NO. 2

FILE NO: T23-2008, PSC2008-8908

SOLDIERS POINT BOAT RAMP PONTOONS

REPORT OF: PETER AVIS – PROJECT SERVICES MANAGER

ORDINARY MEETING – 10 MARCH 2009

RESOLUTION:

064	Councillor Ken Jordan Councillor Bruce MacKenzie	It was resolved that Council accept the tender offered by Clements Marine Services for the design, supply and installation of two (2) pontoons at the Soldiers Point Boat Ramp.
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I certify that pages 1 to 15 of the Open Ordinary Minutes of Council 10 March 2009 and the pages 16 to 33 of the Confidential Ordinary Minutes of Council 10 March 2009 were confirmed by Council at its meeting held on 24 March 2009..

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Cr Bruce MacKenzie
MAYOR