

## Minutes 14 April 2009



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 14 April 2009, commencing at 6.38pm.

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

<b>089A</b>	<b>Councillor Daniel Maher Councillor Shirley O'Brien</b>	It was resolved that apologies from Councillors Steve Tucker, Ken Jordan and Glenys Francis be received and noted.
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# MOTIONS TO CLOSE

**ITEM NO. 1**

**FILE NO: T29-2009**

**MOTION TO CLOSE MEETING TO THE PUBLIC**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**

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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 Council meeting agenda namely **Tender T29-2009 WAN Service and Infrastructure**.
  
- 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 T29-2009 WAN Service and Infrastructure**.
  
- 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.

<b>090</b>	<b>Councillor John Nell Councillor Bob Westbury</b>	It was resolved that the recommendation be adopted.
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ITEM NO. 2

FILE NO: A2004-0893

**MOTION TO CLOSE MEETING TO THE PUBLIC**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**

**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(d) (i) & 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 2 on the Ordinary Council meeting agenda namely **Lease of Part Lot 1 in Deposited Plan 853484 Lily Hill Road, Nelson 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.
  - b) information that would, if disclosed, confer a commercial advantage on a person with whom 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.

<b>091</b>	<b>Councillor John Nell Councillor Bob Westbury</b>	It was resolved that the recommendation be adopted.
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092	Councillor John Nell Councillor Bob Westbury	It was resolved that Council move into Confidential Session.
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# CONFIDENTIAL ITEMS

**CONFIDENTIAL**

**ITEM NO. 1**

**FILE NO: T29-2008**

**T29-2008 WAN SERVICE AND INFRASTRUCTURE**

**REPORT OF: STEPHEN KAY – ACTING SECTION MANAGER INFORMATION MANAGEMENT**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Accept the tender received from PacSat for the provision of WAN and infrastructure services.

**OPERATIONS COMMITTEE- 14 APRIL 2009**

<b>Councillor John Nell Councillor Peter Kafer</b>	That the matter be deferred to the Ordinary Council meeting on the 14 April 2009.
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**ORDINARY COUNCIL – 14 APRIL 2009**

<b>093</b>	<b>Councillor Daniel Maher Councillor John Nell</b>	It was resolved that Council accept the tender received from PacSat for the provision of WAN and infrastructure services.
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**ITEM NO. 2**

**FILE NO: A2004-0893**

**LEASE OF PART LOT 1 IN DEPOSITED PLAN 853484 LILY HILL ROAD,  
NELSON BAY, TO CROWN CASTLE INTERNATIONAL**

**REPORT OF: CARMEL FOSTER - COMMERCIAL PROPERTY MANAGER**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve the extension of the Lease to Crown Castle.
- 2) Authorise the Mayor and General Manager to affix the seal of Council to the lease documentation.

**OPERATIONS COMMITTEE- 14 APRIL 2009**

<p><b>Councillor John Nell</b> <b>Councillor Peter Kafer</b></p>	<p>That the matter be deferred to the Ordinary Council meeting on the 14 April 2009.</p>
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**ORDINARY COUNCIL – 14 APRIL 2009**

<p><b>094</b></p>	<p><b>Councillor Daniel Maher</b> <b>Councillor John Nell</b></p>	<p>It was resolved that Council</p> <ol style="list-style-type: none"> <li>1) Approve the extension of the Lease to Crown Castle.</li> <li>2) Authorise the Mayor and General Manager to affix the seal of Council to the lease documentation.</li> </ol>
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<p><b>095</b></p>	<p><b>Councillor Bob Westbury</b> <b>Councillor Peter Kafer</b></p>	<p>It was resolved that Council move into Open Council.</p>
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There being no further business the meeting closed at 6.45pm.



**MINUTES FOR ORDINARY MEETING – 14 APRIL 2009**

*I certify that pages 1 to 9 of the Open Ordinary Minutes of Council 14 April 2009 and the pages 10 to 22 of the Confidential Ordinary Minutes of Council 14 April 2009 were confirmed by Council at its meeting held on 28 April 2009.*

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**Cr Bruce MacKenzie**  
**MAYOR**