

Minutes 10 JULY 2012



Minutes of Extra-Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 10 July 2012, commencing at 8.09pm.

PRESENT: Councillors R. Westbury (Mayor); G. Dingle; C. De Lyall; S. Dover; G. Francis; K. Jordan (Deputy Mayor); P. Kafer; J. Nell; S. O'Brien; S. Tucker; F. Ward; General Manager; Corporate Services Group Manager; Acting Facilities and Services Group Manager; Development Services Group Manager and Executive Officer.

183	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that the apology from Cr Bruce MacKenzie be received and noted.

	No Declaration of Interest were received.
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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: PSC2012-01059

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: LISA MARSHALL – ACTING EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

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 on the Extraordinary agenda namely **Port Stephens Council ats Towers**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

In particular, Port Stephens Council's lawyers will be providing Council with a confidential presentation on the current legal action and substantial issues in this matter, legal advice received and options open to Council.

- 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would seriously prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
- 4) That the report/information/discussion of the closed part of the meeting remains confidential until the matter is settled.

ORDINARY COUNCIL MEETING – 10 JULY 2012

	Councillor John Nell Councillor Ken Jordan
	That the recommendation be adopted.

AMENDMENT

184	Councillor Glenys Francis Councillor Peter Kafer
	It was resolved that Council: <ol style="list-style-type: none">1. Consider the confidential presentation in closed session of Committee of the Whole and;2. Council moved into Open Council following the confidential session to consider the matter.

The amendment on being put became the motion which was carried.

GENERAL MANAGER'S REPORT

ITEM NO. 1

FILE NO: PSC2012-01059

PORT STEPHENS COUNCIL ATS TOWERS

REPORT OF: PETER GESLING, GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Sally Dover
	That Council makes application to the Minister to recommend to the Governor that Council be permitted to rescind the compulsory acquisition notice.

Cr Geoff Dingle left the meeting at 9.30pm prior to voting on Item 1.

Cr Peter Kafer left the meeting at 9.32pm prior to voting on Item 1.

MOTION

186	Councillor John Nell Councillor Glenys Francis
	It was resolved that Council makes application to the Minister to recommend to the Governor that Council be permitted to rescind the compulsory acquisition notice.

The Motion was carried.

MATTER ARISING

	Councillor Frank Ward Councillor
	That Council approach the developer (Macka Sands) to contribute towards the costs of this matter.

The Matter Arising lapsed without being seconded.

Councillors Dingle and Kafer did not return to the meeting.

MINUTES FOR EXTRA-ORDINARY MEETING – 10 JULY 2012

There being no further business the meeting closed at 9.46pm.

I certify that pages 1 to 8 of the Open Ordinary Minutes of Council 10 July 2012 and the pages 9 to 11 of the Confidential Ordinary Minutes of Council 10 July 2012 were confirmed by Council at its meeting held on Sept 2012.

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Cr Bruce MacKenzie
MAYOR