

Minutes 9 October 2007



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 9 October 2007, commencing at 7.10pm.

PRESENT:

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

301	Councillor Nell Councillor Westbury	It was resolved that apologies from Councillors Hodges, Jordan and Tucker be received and noted.
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SUBJECT

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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 1779-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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 Combined Strategic/Operations Committee agenda namely ***Tender T25-2007 for the supply of Bituminous Road Surfacing.***
- 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 T25-2007 for the supply of Bituminous Road Surfacing.**
- 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 COUNCIL MEETING – 9 October 2007

302	Councillor Baumann Councillor Robinson	That the recommendation be adopted.
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ITEM NO. 2

FILE NO:

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) & 10A(2)(e) 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 Combined Strategic/Operations Committee agenda namely ***Alleged Clearing – 60 Port Stephens Drive, Taylors Beach.***
- 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, prejudice the maintenance of law.
- 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 COUNCIL MEETING – 9 October 2007

303	Councillor Baumann Councillor Robinson	That the recommendation be adopted.
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ITEM NO. 3

FILE NO: 1779-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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 3 on the Combined Strategic/Operations Committee agenda namely **Tender Legal Services**.
- 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 Legal Services**.
- 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 COUNCIL MEETING – 9 October 2007

304	Councillor Baumann Councillor Robinson	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 9 October 2007

RESOLUTION:		
305	Councillor Baumann Councillor Robinson	That Council move into Confidential Session.

CONFIDENTIAL ITEMS