

Extraordinary Council Meeting

MINUTES OF MEETING NO. 6/10

Meeting Date: Thursday 29 April 2010
Location: Council Chambers, Level 6
Time: 5.30pm

Councillors Present: The Mayor, Councillor Butterworth and Councillors Etmekdjian, Maggio, O'Donnell, Petch, Perram, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.

Apologies: Councillor Campbell (Leave of Absence); Councillor Li

Staff Present: General Manager, Group Manager - Corporate Services, Group Manager – Environment & Planning, Senior Administration Co-ordinator and Councillor Support Co-ordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

REPORTS

1 PROSECUTION - Mastronardo - Supplementary

RECOMMENDATION: (Moved by Councillors Petch and Pickering)

That consideration of this matter be dealt with in Closed Session at the end of the meeting

CLOSED SESSION

ITEM 1 - PROSECUTION - Mastronardo - Supplementary

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the Council resolve into Closed Session to consider the above matters.

Record of Voting:

For the Motion: Unanimous.

Note: The Council closed the meeting at 5.35pm. The public and media left the Chamber.

1 PROSECUTION - Mastronardo - Supplementary

RESOLUTION: (Moved by Councillors Petch and Pickering)

1. That the revised settlement offer made by Mr Mastronardo on 29 April 2010 be accepted if the offer is amended so that Mr Mastronardo:
 - (a) agrees to pay all of Council's costs incurred up to the time of settlement.
 - (b) makes the contribution referred to in the offer towards environmental enforcement rather than environmental projects
2. That the matter be prosecuted until such time as settlement is achieved.

Record of Voting:

For the Motion: Councillors Etmekdjian, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM

Against the Motion: The Mayor, Councillor Butterworth

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Pickering)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous.

Note: Open Council resumed at 6.00pm.

On resuming business in Open Council, the resolutions from Closed Session were formally reported to the Council Meeting.

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the resolutions made in Closed Session be adopted as resolutions of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous.

The meeting closed at 6.00pm.

CONFIRMED THIS 11TH DAY OF MAY 2010

Chairperson