Councillors

Pursuant to s. 367 of the Local Government Act and Clause 7 of the Code of Meeting Practice, notice is hereby given that an **EXTRAORDINARY MEETING** of the Council will be held as follows:

**DATE:** Monday 4 July 2016  
**TIME:** 5.30pm  
**VENUE:** Council Chambers  
2nd Floor  
City Hall

Frank Cordingley  
Interim Chief Executive Officer

City Administration Centre  
282 King Street  
NEWCASTLE NSW 2300  

29 June 2016

**BUSINESS**

1  NOTICE OF MOTION - RESSION MOTION - ITEM 9 NOM  
28/06/16 - LEGAL ACTION COUNCIL AMALGAMATION

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NOTICES OF MOTION

ITEM-131 NOM 04/07/16 - RESCISSION MOTION NOM 28/06/16 - LEGAL ACTION COUNCIL AMALGAMATION

COUNCILLORS: LUKE, TIERNEY AND WATERHOUSE

PURPOSE

The following Notice of Motion was received by the Interim Chief Executive Officer at 8.15pm on 28 June 2016 from the abovenamed Councillors:

MOTION

That Council rescind the motion passed by Council at the Ordinary Council meeting on 28 June 2016 in relation to Item 9 Notice of Motion Legal Action Council Amalgamation.

BACKGROUND

The rescission motion dated 28 June 2016 and signed by Councillors Luke, Waterhouse and Tierney was handed to the Interim Chief Executive Officer during the Ordinary Council Meeting held on Tuesday, 28 June 2016.

Clause 65(2) of Council's Code of Meeting Practice and s. 372(2) of the Local Government Act, 1993 [NSW] provides that the relevant resolution that was passed by Council must not be carried into effect until the rescission motion has been dealt with.

The purpose of the Extraordinary Council Meeting is to deal with the rescission motion.

ATTACHMENTS


Attachment B: Resolution of Council 28 June 2016 Item 9 NOM 28/06/16 - Legal Action Council Amalgamation
28-6-16

A: CEO
Newcastle Council
Frank Collingey

Frank, we the undersigned councillors wish to rescind
the motion passed by Council
on the 28-6-16 in relation
to item 9.4 "Legal
Action Council Amalga motion"

Brad Lyle
G S Waterhouse
Lisa Turner
RESOLUTION OF COUNCIL 28 JUNE 2016 - ITEM 9 NOM 28/06/16 - LEGAL ACTION COUNCIL AMALGAMATION

That Council:

1. Obtain independent legal advice regarding the prospects of a successful challenge to the proposed forced amalgamation of Newcastle City and Port Stephens Councils, whether by joining an action presently on foot or by commencing fresh proceedings:

2. Delegate to the Lord Mayor, Deputy Lord Mayor, Interim Chief Executive Officer (CEO), Frank Cordingley, to engage the services on an appropriate legal firm within two (2) business days.

3. Receive a confidential briefing from the Interim CEO and/or engaged legal counsel as to any such action as soon as practicable.

4. Delegate the Lord Mayor, Deputy Lord Mayor and Interim CEO, the authority to act on behalf of Council in relation to any legal action pursued in consequence of this motion.