



Tomaree Ratepayers and Residents Association Inc.

13 July 2012

Council exposed over Stockton Bight Track Bungle

The Port Stephens Council 26 June meeting reconsidered a matter now proceeding in the Land and Environment Court relating to Council's decision to compulsorily acquire land to open the controversial Stockton Bight track near the Mackas Sand mine .

The recommendation of the General Manager to Councillors was first to close the meeting to the public and second to apply to the State Government to rescind the compulsory acquisition order. Both these motions were debated vigorously and declared lost by the Mayor. Consequently all the briefing papers had to be disclosed on the Council website.

Surprisingly, the same recommendations were debated again at its 4 June Committee Meeting which was closed for a briefing by legal advisors, then the motion to rescind was adopted. Two councillors left the meeting in disgust just before the vote.

Tomaree Residents and Ratepayers Association Inc. members attending these meetings were dismayed by the debate in which several Councillors said that they had been distressed by serious personal legal threats and admitted that "with the benefit of hindsight, the original decision of Council was a monumental mistake".

The background paper advises Council that it faces high risks in continuing the case, or in rescinding the acquisition notice, potential legal costs of \$1.4 million and a claim for compensation of \$8.5 million is before the Court.

Council are now exposed to the landholder costs and claim for compensation as well as the possibility of damages claims by the developer, Mackas Sands. We can only guess why the confidential legal advice caused the Councillors to reverse last week's decision, and why some Councillors tried to avoid any public scrutiny.

TRRA Inc . queries why Council simply relied on advice from its Property Department and did not obtain formal legal advice when the acquisition was first mooted.

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