

## Minutes 17 MAY 2011



Minutes of Extra-Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 17 May 2011, commencing at 6.45pm.

PRESENT: Councillors R. Westbury (Mayor); S. Dover (Deputy Mayor); G. Dingle; C. De Lyall, P. Kafer; K. Jordan; B. MacKenzie; J. Nell; S. O'Brien; F. Ward; General Manager, Corporate Services Group Manager, Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager and Executive Officer.

167	<b>Councillor Bruce MacKenzie</b> <b>Councillor Ken Jordan</b>	It was resolved that the apology from Crs Tucker and Cr Francis be received and noted.
		No Declaration of Interest was received.

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# MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: PSC2011-01240

## MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

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### 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 Extra-Ordinary agenda namely **Land & Environment Court Class 1 Appeal – Hotel at 37 Ferodale Road, Medowie**
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information concerning the commercial arbitration and legal costs incurred and advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
- 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
- 4) That the report and the minutes of the closed part of the meeting remain confidential.

### EXTRA-ORDINARY COUNCIL MEETING – 17 MAY 2011

168	<b>Councillor Ken Jordan Councillor Caroline De Lyall</b>	It was resolved that the recommendation be adopted.
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# GENERAL MANAGER'S REPORT

PETER GESLING  
GENERAL MANAGER

**ITEM NO. 1**

**INFORMATION PAPERS**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**  
**GROUP: GENERAL MANAGERS OFFICE**

**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 17 May, 2011.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	LAND & ENVIRONMENT COURT CLASS 1 APPEAL- HOTEL AT 37 FERODALE ROAD, MEDOWIE	

This information paper will be supplied at the meeting on Tuesday 17 May 2011 under separate cover.

**EXTRA-ORDINARY COUNCIL MEETING – 17 MAY 2011**

<b>169</b>	<b>Councillor Caroline De Lyall</b> <b>Councillor Shirley O'Brien</b>	It was resolved that Council move into Confidential Session.
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<b>170</b>	<b>Councillor Peter Kafer</b> <b>Councillor Ken Jordan</b>	It was resolved that the recommendation be adopted.
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# CONFIDENTIAL ITEMS



*In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.*

*Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.*

There being no further business the meeting closed at 6.53pm.

**MINUTES FOR EXTRA-ORDINARY MEETING – 17 MAY 2011**

<b>171</b>	<b>Councillor Caroline De Lyall Councillor Shirley O'Brien</b>	It was resolved that Council move out of Confidential Session.
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*I certify that pages 1 to 8 of the Open Ordinary Minutes of Council 17 May 2011 and the pages 9 to 17 of the Confidential Ordinary Minutes of Council 17 May 2011 were confirmed by Council at its meeting held on 24 May 2011.*

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**Cr Bob Westbury**  
**MAYOR**