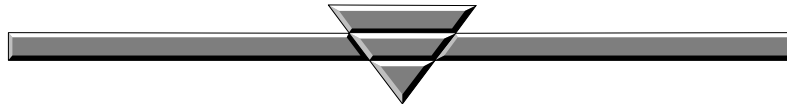


# NOTICE OF ORDINARY MEETING

11 September, 2007

5.30pm



*Port Stephens*

C.O.U.N.C.I.L

*... a community partnership*

The following Councillors attendance is respectfully requested:-

Councillors: Councillors R. Swan (Mayor); S. Tucker (Deputy Mayor); C. Baumann; H. Brown; G. Dingle; S. Dover; G. Francis; J. Hodges; K. Jordan; J. Nell; G. Robinson; R. Westbury.

**CHAIR:** Councillor Ron Swan (Mayor)  
**DEPUTY CHAIR:** Councillor Steve Tucker (Deputy Mayor)

## SCHEDULE OF MEETINGS

TIME	ITEM	VENUE
5.30pm	Public Access (if applied for)	Council Chambers
	followed by Operations Committee	Committee Rooms
	followed by Ordinary Meeting	Council Chambers

## COUNCIL'S CHARTER

Port Stephens Council is a local authority constituted under the Local Government Act 1993. The Act includes a Charter for all Councils in NSW. The Charter is a set of principles that are a guide to councils in carrying out their functions. A council may add other principles not inconsistent with those in the Act.

Council's Charter is:-

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of cultural diversity;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development ;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it the wider community) informed about its activities;
- to ensure that in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected; and
- to be a responsible employer.

## BUSINESS

- 1) Prayer - We ask Almighty God to help us serve the community to the best of our ability, and make Port Stephens a happy and healthy place in which to live, work and visit. Amen
- 2) "I would like to acknowledge and pay respect to the Worimi People of Port Stephens, who are the traditional owners of this land on which we stand/meet today".
- 3) Apologies
- 4) Declaration of Interest
- 5) Motions to close meeting to the public
- 6) Mayoral Minutes (if submitted)
- 7) Motions to close meeting to the public
- 8) Confidential Committee Recommendations
- 9) Motion to open the meeting



DECLARATION OF INTEREST

Item No. in agenda \_\_\_\_\_

Brief Description of Item \_\_\_\_\_

Councillor \_\_\_\_\_ declared a \* pecuniary interest  
non pecuniary  
conflict of  
(\*circle type of interest)

in this item. The nature of the interest was \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Councillor \_\_\_\_\_ left the Chamber and thereby did  
not take part in the discussion or voting on the Item.  
Time Councillor retired from the Chamber \_\_\_\_\_.

Councillor \_\_\_\_\_ returned to the Chamber and resumed his/her  
usual place at the meeting.

Time Councillor returned to the Chamber \_\_\_\_\_.

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# MOTIONS TO CLOSE

ITEM NO. 1

FILE NO:A2004-0028

## MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE, EXECUTIVE MANAGER CORPORATE MANAGEMENT

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### RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d)(ii) 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 Operations Committee agenda namely **NEWCASTLE AIRPORT BORROWINGS**.
- 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include details of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of Council;
- 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.

ITEM NO. 2

FILE NO: A2004-0573

## MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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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 2 on the Ordinary agenda namely **SEABREEZE ESTATE**.
- 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 until the matter is settled.

# CONFIDENTIAL ITEMS

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