

QUALITY LOCAL GOVERNMENT

Ordinary Meeting, 30/5/06

ITEM NO: S1

SUBJECT: ITEM C1 IN CONFIDENTIAL BUSINESS PAPER – KATOOMBA GOLF COURSE DEVELOPMENT – PROGRESS AND LEGAL IMPLICATIONS

FILE NO: H00003

Recommendations:

1. *That Item C1 in the Business Paper be deferred for consideration until all other business of this meeting has been concluded.*

 2. *That Council close part of the Council Meeting for consideration of Item C1 in the Business Paper – Katoomba Golf Course Development, pursuant to the provisions of Section 10A(2)(c), (d) and (g) of the Local Government Act 1993, as the report contains, and discussion is likely to involve:*
 - *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business;*
 - *commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it and;*
 - *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
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Report by General Manager:

This matter has been listed in the Confidential Business Paper because, in my opinion, consideration of the matter is likely to take place in a meeting which has been closed to the public in accordance with the provisions of Section 10A of the Local Government Act 1993.

The matter to be dealt with relates to contractual arrangements entered into with Noroton Holdings Pty Ltd and legal advice received in relation to those arrangements.

Section 10A of the Act requires that any proposal to close part of a meeting to the public be notified in the agenda, and a resolution to close part of a meeting to the public be passed setting out reasons for doing so. In this case, the reason for closing that part of the meeting to consider Item C1 in the Confidential Business Paper is that the report contains, and discussion is likely to involve, information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business; contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it and; advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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