

CONFIDENTIAL ITEMS 2003 – JUNE 2024

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
245	3 June 2024	Library Options Analysis Scope	2. Pursuant to Section 90(3)(b) Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, General Manager Infrastructure, General Manager Corporate Services, Executive Manager, Head of Wastewater; Manager Customer Experience; Manager Financial Services; and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Item: Library Options Analysis Scope. The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is: - conducting business; and - proposing to conduct business; and - would prejudice the commercial position of the Council In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle of the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position would compromise the Council's ability to engage and negotiate effectively as the Council's commercial position in relation to the matter would inappropriately become known to any potential proponent. 4. Pursuant to Section 90 (3) (b) That having considered Agenda Item 18.2 Confidential Item: Library Options Analysis Scope in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council	Commercial in confidence aspects are retained in confidence	The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is: - conducting business; and - proposing to conduct business; and - would prejudice the commercial position of the Council In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the	In confidence aspects are retained in confidence until such time as determined by the Chief Executive Officer, and that this order be reviewed every 12 months		Within 12 months	<i>Report and redacted attachment released on website 5 June 2024 Minutes released on website 24 June 2024</i>

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#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
			pursuant to Section 91(7) of the Act orders that the report and attachment and resolution of Council be released with the commercial in confidence aspects of both documents redacted and that the commercial in confidence aspects are retained in confidence until such time as determined by the Chief Executive Officer, and that this order be reviewed every 12 months.		benefit to it of disclosure of the information. The Council is satisfied that the principle of the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position would compromise the Council's ability to engage and negotiate effectively as the Council's commercial position in relation to the matter would inappropriately become known to any potential proponent.				

18. CONFIDENTIAL REPORTS

Mayor Leach sought and was granted leave of the meeting to bring forward item 18.2.

18.2	REPORT TITLE:	CONFIDENTIAL ITEM: LIBRARY OPTIONS ANALYSIS SCOPE
	DATE OF MEETING:	3 JUNE 2024
	FILE NUMBER:	DOC/24/60648
	ATTACHMENTS:	1: DOC/24/71436 - Mount Barker Library Needs Analysis Refresh and Options Analysis - AEC Proposal

Moved Councillor Hewett that Council:

1. Pursuant to Section 90(3)(b)

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, General Manager Infrastructure, General Manager Corporate Services, Executive Manager, Head of Wastewater; Manager Customer Experience; Manager Finance; and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Item: Library Options Analysis Scope.

The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is:

- conducting business; and
- proposing to conduct business; and
- would prejudice the commercial position of the Council

In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle of the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position would compromise the Council's ability to engage and negotiate effectively as the Council's commercial position in relation to the matter would inappropriately become known to any potential proponent.

Seconded Councillor Hardingham

8:45pm Cr Voogt entered the room and took his chair.

LOST

Disclosure of Material Conflict of Interest Declaration

Refer to Item	:	4.1.4
Councillor Harding rose and left the meeting at	:	8:58pm

8:58pm Cr Hewett rose from her chair and left the meeting.

Moved Councillor Jones that Council:

1. Endorse the proposed return brief and scope provided.

Seconded Councillor Szilassy

9:02pm Cr Hewett returned to the meeting and took her chair.

CARRIED
OM20240603.31

Moved Councillor Hewett that Council:

2. Pursuant to Section 90(3)(b)
Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, General Manager Infrastructure, General Manager Corporate Services, Executive Manager, Head of Wastewater; Manager Customer Experience; Manager Financial Services; and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Item: Library Options Analysis Scope.

The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is:

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In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle of the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council’s commercial position would compromise the Council’s ability to engage and negotiate effectively as the Council’s commercial position in relation to the matter would inappropriately become known to any potential proponent.

Seconded Councillor Jones

CARRIED
OM20240603.32

Moved Councillor Voogt that Council:

3. Engage AEC Group Pty Ltd to undertake the works proposed:
 - Part One: Library needs analysis (target completion - July 2024)
 - Part Two: Community engagement process on Library Service delivery (target completion September 2024)
 - Part Three: Library options Analysis (target completion November 2024)

Seconded Councillor Jones

CARRIED
OM20240603.33

Moved Councillor Orr that Council:

4. Pursuant to Section 90 (3) (b)
That having considered Agenda Item 18.2 Confidential Item: Library Options Analysis Scope in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report and attachment and resolution of Council be released with the commercial in confidence aspects of both documents redacted and that the commercial in confidence aspects are retained in confidence until such time as determined by the Chief Executive Officer, and that this order be reviewed every 12 months.

Seconded Councillor Jones

CARRIED
OM20240603.34

Councillor Orr called for a DIVISION

The Mayor declared resolution OM20240603.34 set aside

Councillors voting in the Affirmative: Councillors Jones, Orr, Voogt, Hardingham, Seager, Hewett, Grosser, Szilassy.

Councillors voting in the Negative: Nil

The Mayor declared resolution OM20240603.34 as CARRIED

9:11pm Councillor Harding entered the meeting and took her chair.
