

**CONFIDENTIAL ITEMS 2003 – 2 SEPTEMBER 2014**

#	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
92	1 Sept 2014	Proposed Road Closure and Sale of Land	<p>Section 90 (3) (b) Order</p> <p>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 the Chief Executive Officer, General Manager Planning and Development, General Manager Infrastructure and Projects, General Manager Council Services, General Manager Corporate Services, Contracts Coordinator, Manager Projects and Minute Secretary be excluded from attendance at the meeting for Agenda 17.1 (Proposed Road Closure and Sale of Land).</p> <p>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 would prejudice the commercial position of the Council in that the information to be considered includes valuation and other details the disclosure of which could prejudice the Council's</p>	Council report, related documents and rec 3	The disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business and would prejudice the commercial position of the Council in that the information to be considered includes valuation and other details the disclosure of which could prejudice the Council's commercial position during negotiations.	Until settlement of the proposed land sale or such lesser period as may be determined by the Chief Executive Officer.	1 Sept 14	7 Sept 15	Refer public minutes released after meeting

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			<p>commercial position during negotiations.</p> <p>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 that 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 may prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter.</p> <p>Section 91(7) Order</p> <p>5. Pursuant to Section 90 (3) (b) &amp; (d)</p> <p>That having considered Agenda 17.1 Proposed Road Closure and Sale of Land, 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 council report, related documents and</p>		In addition the disclosure of this information would, on balance, be contrary to the public interest.				

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			recommendation 3 in the minutes be retained in confidence until settlement of the proposed land sale or such lesser period as may be determined by the Chief Executive Officer.						

Councillor Bailey

- Council Information Session Growth Update
- Lights' View Elected Member briefing/tour
- Murray Darling Basin NRM Council Advisory Group meeting
- Top Hat meeting
- Mount Barker Show Society Committee meeting
- Bremer Barker Catchment Group
- Essence of Place, Hahndorf Academy
- General Store Gallery AGM

Councillor Grosser

- Lights' View Elected Member briefing/tour
- Prospect Hill Hall Committee meeting

Acting Mayor Westwood

- Mount Barker & Districts' Rifle Club Awards Ceremony

**16. QUESTIONS ARISING FROM COUNCIL MEETING**

- 16.1 Mr Nathan Rogers asked a question regarding references to council plans.  
Acting Mayor Westwood and Mr Andrew Stuart, Chief Executive Officer provided a response at the meeting.

**17. CONFIDENTIAL REPORTS**

- 17.1.      **REPORT TITLE:            CONFIDENTIAL ITEM: PROPOSED ROAD  
   CLOSURE AND SALE OF LAND**  
**DATE OF MEETING: 1 SEPTEMBER 2014**  
**FILE NUMBER:            14/078521**

Moved Councillor Heath that Council:

**Section 90 (3) (b) Order**

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 the Chief Executive Officer, General Manager Planning and Development, General Manager Infrastructure and Projects, General Manager Council Services, General Manager Corporate Services, Contracts Coordinator, Manager Projects and Minute Secretary be excluded from attendance at the meeting for Agenda 17.1 (Proposed Road Closure and Sale of Land).

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 would prejudice the commercial position of the Council in that the information to be considered includes valuation and other details the disclosure of which could prejudice the Council's commercial position during negotiations.

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 that 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 may prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter.

Seconded Councillor Bailey

CARRIED  
OM20140901.15

Moved Councillor Heath that Council:

2. pursuant to Section 10 of the Roads (Opening & Closing) Act 1999, commence a road process to close a portion of road delineated and marked "A" in the Preliminary Plan provided in attachment 2 of this report and provide sufficient details for consultation to occur.
4. note that a further report will be provided to Council seeking approval to close a portion of the road once the consultation process has been completed and the terms for a sale have been negotiated in principle.

Seconded Councillor Bailey

CARRIED  
OM20140901.16

Moved Councillor Heath

**Section 91(7) Order**

5. Pursuant to Section 90 (3) (b) & (d)  
That having considered Agenda 17.1 (Proposed Road Closure and Sale of Land), 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 council report, related documents and recommendation 3 in the minutes be retained in confidence until settlement of the proposed land sale or such lesser period as may be determined by the Chief Executive Officer.

Seconded Councillor Stokes

CARRIED  
OM20140901.17

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17.2      **REPORT TITLE:**      **CONFIDENTIAL ITEM: CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW**  
                 **DATE OF MEETING:** **1 SEPTEMBER 2014**  
                 **FILE NUMBER:**      **38/010/047**

Moved Councillor Irvine that Council:

**Section 90 (3) (a) Order**

1. Pursuant to Section 90(3)(a)  
Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public be excluded from attendance at the meeting for Agenda Item 17.2.

The Council is satisfied that pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer in that details of his performance review will be discussed.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of details of the Chief Executive Officer's performance may prematurely be disclosed before the details of the review have been discussed with the Chief Executive Officer.

Seconded Councillor Heath

CARRIED  
OM20140901.18