

CONFIDENTIAL ITEMS 2003 – AUGUST 2025

#	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
228	6 November 2023	Legal Proceedings	<u>Section 90 (3) (i) Order</u> <u>Pursuant to Section 90(3)(i)</u> 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 Infrastructure, General Manager Planning and Community, General Manager Corporate Services, Executive Manager, Head of Wastewater, and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 19.4 Confidential Report – Legal Proceedings. The Council is satisfied that pursuant to Section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information relating to: - actual litigation - litigation that the Council believes on reasonable grounds will take place involving the Council or an employee of the Council in that legal advice as to the chances of success of the legal proceedings and this information ought not be made available to the public as it could detrimentally affect the Council's legal position. 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 this information may compromise the Council's position if the court case is commenced. <u>Section 91(7) Order</u> <u>Pursuant to Section 91(7)</u> That having considered Agenda Item 19.4 Confidential Report – Legal Proceedings in confidence under 90(2) and 3(i) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report, attachments and all minutes be retained in confidence for 24 months or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.	Report, attachments and all minutes be retained in confidence	The Council is satisfied that pursuant to Section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information relating to: - actual litigation - litigation that the Council believes on reasonable grounds will take place involving the Council or an employee of the Council in that legal advice as to the chances of success of the legal proceedings and this information ought not be made available to the public as it could detrimentally affect the Council's legal position. 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 this information may compromise the Council's position if the court case is	Report, attachments and all minutes be retained in confidence for 24 months or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.		Within 12 months	Minutes released on website 14 October 2025

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PART RELEASED

19.4 **REPORT TITLE:** **CONFIDENTIAL REPORT: LEGAL PROCEEDINGS**
 DATE OF MEETING: **6 NOVEMBER 2023**
 FILE NUMBER: **DOC/23/148920**

Moved Councillor Voogt that Council:

Section 90 (3) (i) Order

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

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 Infrastructure, General Manager Planning and Community, General Manager Corporate Services, Executive Manager, Head of Wastewater, and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 19.4 Confidential Report – Legal Proceedings.

The Council is satisfied that pursuant to Section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information relating to:

- actual litigation
- litigation that the Council believes on reasonable grounds will take place

involving the Council or an employee of the Council in that legal advice as to the chances of success of the legal proceedings and this information ought not be made available to the public as it could detrimentally affect the Council's legal position.

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 this information may compromise the Council's position if the court case is commenced.

Seconded Councillor Seager

CARRIED
OM20231106.40

8.33pm Moved Councillor Szilassy that Council:

2. has a short-term suspension of normal council meeting proceedings to enable informal discussion of the matters that relate to decision making on this agenda item.

Seconded Councillor Seager

CARRIED
OM20231106.41

9.03pm Moved Councillor Orr that Council

3. end the short-term suspension of normal council meeting proceedings.

Seconded Councillor Seager

CARRIED
OM20231106.42

Moved Councillor Jones that Council

4. note the report; and
5. note and endorse that the CEO under delegation will reduce the amount payable by developers for the Recreation Sport & Community Infrastructure Mt Barker MDPA Area fee to \$2,361.95 + GST and the Recreation Sport & Community Infrastructure Nairne MDPA Area fee to \$1,944.01 +GST from 1 January 2024.

Seconded Councillor Seager

CARRIED
OM20231106.43

Moved Councillor Seager that Council

6. note the resolution of the 3 July 2023 Council meeting in relation to a review of the Recreation Sport & Community Infrastructure fee and;
7. authorises the CEO during that review to explore and have regard to the long standing legislative gaps that continue to inhibit a sustainable and robust funding mechanism that sees the development sector continue to fund community infrastructure to maintain community confidence in the orderly growth of Mount Barker.

Seconded Councillor Orr

CARRIED
OM20231106.44



Moved Councillor Voogt that Council:

Section 91(7) Order

8. Pursuant to Section 91(7)

That having considered Agenda Item 19.4 Confidential Report – Legal Proceedings in confidence under 90(2) and 3(i) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report, attachments and all minutes be retained in confidence for 24 months or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.

Seconded Councillor Jones

CARRIED
OM20231106.45

MEETING DECLARED CLOSED AT 9:08PM

er. 
Deputy MAYOR

7th December 2023
DATE

PART RELEASED

