

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|----------------------------|--|---|-----------------------------|------------------|------------------|---------------|
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|  |                                  |
|--|----------------------------------|
|  | Part Information released        |
|  | Information remains Confidential |

|    |              |  |  |   |   |  |          |                  |   |
|----|--------------|--|--|---|---|--|----------|------------------|---|
| 73 | 17 June 2013 | Review of Confidential Orders Associated with Ombudsman's Report 20 October 2008 | <p>Section 90 (3) (g) Order</p> <p>1.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 Corporate Services, General Manager Council Services, General Manager Infrastructure &amp; Projects, Minute Secretary, Risk &amp; Governance Officer, be excluded from attendance at the meeting for Agenda Item 16.3 Confidential Report – Review of Confidential Orders Associated with the Ombudsman's Report - 20 October 2008.</p> <p>2.Pursuant to Section 90(3)(g)</p> <p>The Council is satisfied that, pursuant to section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information concerning matters that must be considered in confidence in order to ensure that the Council does not:</p> <p>*breach any law, order or direction of a court or tribunal constituted by law,</p> <p>*breach any duty of confidence, or</p> <p>*breach any other legal obligation or duty as a confidentiality agreement exists</p> <p>The Council is satisfied that the principle of the meeting being conducted in a place open to the public has been outweighed in the</p> | <p>Attachment 2 to report - the Council Report – Confidential Ombudsman Report 20 October 2008 redacted paragraphs as shown relating to the confidentiality agreement remaining confidential;</p> <p>Attachment 3 to report - the Attachment 20 October 2008 – Ombudsman Report Executive Summary with redacted</p> | <p>The redacted parts of Council Report of 20 October 2008 (attachment 2) be retained in confidence for the life of the confidential agreement;</p> <p>The redacted parts of Attachment Executive Summary of Ombudsman's report – 20 October 2008 (attachment 3) be retained in confidence until the staff members are no longer employed with Council; and</p> | <p>Release Attachment 1 to this report - minute 47.2 from 20 October 2008 regarding the Ombudsman report</p> <p>Release Attachment 2 to this report - the Council Report – Confidential Ombudsman Report 20 October 2008 with redacted paragraphs as shown relating to the confidentiality agreement remaining confidential;</p> <p>Release Attachment 3 to this report - the Attachment 20 October 2008 – Ombudsman Report Executive Summary with redacted names of staff and</p> | 3 Oct 23 | Within 12 months | <p>Att 1 released</p> <p>Att 2, 3 part Released</p> <p>17/6/13 – on web 20/6/13</p> |
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|    |              |  | <p>circumstances because detailed information about the confidentiality agreement cannot be released.</p> <p>Pursuant to Section 90(3)(a)</p> <p>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 staff, in that details of staff performance will be discussed.</p> <p>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 details of staff performance will be discussed.</p> <p>Section 91(7) Order</p> <p>6.Pursuant to Section 91(7)</p> <p>That having considered Agenda Item 16.3 Confidential Report – Review of Confidential Orders associated with the Ombudsman's Report Provided to Council on 20 October 2008 in confidence under 90(2) and 3(g) &amp; 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders</p> | names of staff and complainants as shown remaining confidential. | The redacted parts of Attachment Executive Summary of Ombudsman's report – 20 October 2008 (attachment 3) relating to the names of the complainant be retained in confidence for the life of the confidential agreement, | complainants as shown remaining confidential.<br><br>and this order be reviewed every 12 months. |                  |                  |                  |
| 74 | 17 June 2013 | Review of Confidential Orders Associated | Section 90 (3) (g) Order<br>Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except, Chief   | Redacted information as shown                                    | The redacted parts of Council report of 15 December 2008   | Release the following items:   | 3 Oct 23         | Within 12 months | Att 1 – released |

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|   |      | with Ombudsman's Report provided to Council on 15 December 2008 | <p>Executive Officer, General Manager Corporate Services, General Manager Council Services, General Manager Infrastructure &amp; Projects, Minute Secretary, Risk &amp; Governance Officer, be excluded from attendance at the meeting for Agenda Item 16.4 Confidential Report – Review of Confidential Orders Associated with the Ombudsman's Report – 15 December 2008.</p> <p>Pursuant to Section 90(3)(g)</p> <p>The Council is satisfied that, pursuant to section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information concerning matters that must be considered in confidence in order to ensure that the Council does not:</p> <ul style="list-style-type: none"> <li>* breach any law, order or direction of a court or tribunal constituted by law,</li> <li>* breach any duty of confidence, or</li> <li>*breach any other legal obligation or duty as a confidentiality agreement exists.</li> </ul> <p>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 detailed information within the confidentiality agreement cannot be released.</p> <p>Section 90(3)(a)</p> <p>Pursuant to Section 90(3)(a)</p> <p>The Council is satisfied that pursuant to Section 90(3)(a) of the Act, the information</p> | <p>remaining confidential:</p> <p>Attachment 2 - The Council report of 15 December 2008</p> <p>Attachment 3 - A letter from Council to the Ombudsman dated 14 November 2008</p> <p>Attachment 2 – page 198 – dot point 4 – be amended to redact the identity of the council officer.</p> | <p>(attachment 2 to this report); and</p> <p>The redacted parts of the letter from the Council to the Ombudsman dated 14 November 2008 (attachment 3 to this report) be retained in confidence the life of the confidential agreement; and until all staff members are no longer employed with Council or such lesser period as may be determined by the Chief Executive Officer; and that this order be reviewed every 12 months.</p> | <p>Attachment 1 - minute 71.1 from 15 December 2008 regarding the Ombudsman's Report be released;</p> <p>Attachment 4 – A letter from Council to the LGA dated 6 November 2008;</p> <p>Attachment 5 - A project brief;</p> <p>Attachment 6 - Information on the organisational review; and</p> <p>Attachment 7 - Customer Services categories</p> <p>Release with redacted information as shown remaining confidential:</p> |                  |                  | <p>Att 2 – part released</p> <p>Att 3 – part released</p> <p>Att 4 – released</p> <p>Att 5 – released</p> <p>Att 6 – released</p> <p>Att 7 released</p> <p>17/6/13 – on web 20/6/13</p> |

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|----|--------------|--|--|--|---|---|------------------|------------------|--|
|    |              |  | <p>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 existing and previous staff, in that details of staff performance will be discussed.</p> <p>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 details of existing and previous staff performance is discussed.</p> <p>Section 91(7) Order</p> <p>4.Pursuant to Section 91(7)</p> <p>That having considered Agenda Item 16.4 Confidential Report – Review of Confidential Orders associated with the Ombudsman's Report Provided to Council on 15 December 2008 in confidence under 90(2) and 3(g) &amp; 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act</p> |  |   | <p>Attachment 2 - The Council report of 15 December 2008</p> <p>Attachment 3 - A letter from Council to the Ombudsman dated 14 November 2008</p> <p>Attachment 2 – page 198 – dot point 4 – be amended to redact the identity of the council officer.</p> |                  |                  |  |
| 75 | 17 June 2013 | Review of Confidential Orders Associated with Ombudsman's Report provided to Council on 15 June 2009 | <p>Section 90 (3) (a) Order</p> <p>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 except the Chief Executive Officer, General Manager Corporate Services, General Manager Council Services, General Manager Infrastructure &amp; Projects, Minute Secretary and the Risk and Governance Officer, be excluded from attendance at the meeting for</p>  | <p>Redacted information as shown remaining confidential:</p> <p>Attachment 3 – Ombudsman</p> | <p>The redacted information within attachment 3 &amp; attachment 4 be retained in confidence until relevant staff are no longer</p> | <p>Release:</p> <p>Attachment 1 - Council Minute 117.2 dated 15 June 2009;</p> <p>Attachment 2 - Council report 17.2 15 June 2009</p>   | 3 Oct 23         | Within 12 months | <p>Att 1 released</p> <p>Att 2 released</p> <p>Att 3 part released</p> |

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|   |      |            | <p>Agenda Item 16.5 Confidential Report – Review of Confidential Orders Association with the Code of Conduct Report 15 June 2009.</p> <p>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 staff members and complainants in that details of staff performance and personal details of residents' complaints will be discussed.</p> <p>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 majority of staff subject to the report still work with Council and the information relates to their performance; and also includes matters personal to the complainants and will be discussed.</p> <p>Section 91(7) Order</p> <p>Pursuant to Section 91(7)</p> <p>That having considered Agenda Item Confidential Report – Review of Confidential Orders Association with the Code of Conduct Report 15 June 2009 in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that:</p> | <p>investigation report; and</p> <p>Attachment 4 – Mayor's response to Ombudsman's report.</p> <p>Attachment 3 – page 231 at 1.4.2.4 and page 234 at 3.7.1.5 be amended to redact the identity of individual.</p> | <p>employed by Council or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> | <p>'Confidential Ombudsman Report'</p> <p>Release with redacted information as shown remaining confidential:</p> <p>Attachment 3 – Ombudsman investigation report with redactions;</p> <p>Attachment 4 – Mayor's response to Ombudsman's report with redactions.</p> <p>Attachment 3 – page 231 at 1.4.2.4 and page 234 at 3.7.1.5 be amended to redact the identity of individual.</p> |                  |                  | <p>Att 4 part released</p> <p>17/6/13 on web</p> <p>20/6/13</p> |

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|    |             |  | <ul style="list-style-type: none"> <li>- The redacted information within Attachment - Ombudsman investigation report (attachment 3 to this report) ;</li> <li>- The redacted information within Attachment – Mayor's response to the Ombudsman's report (attachment 4 to this report)</li> </ul> <p>be retained in confidence until relevant staff are no longer employed by Council or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p>   |  |  |   |                  |                  |               |
| 84 | 16 Dec 2013 | Outcome of 1 <sup>st</sup> Stage Office and Multilevel Carpark EOI | <p>Section 90 (3) (d) Order Pursuant to Section 90(3)(d)</p> <p>1.Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the CEO, General Managers, the Minute Secretary and the Manager Projects be excluded from attendance at the meeting for Agenda Item Outcome of the 1st Stage Multi-storey Carpark and Office EOI.</p> <p>The Council is satisfied that pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda item are is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the</p> | Report Attachments Minutes                                 | <p>Section 91(7) Order Pursuant to Section 91(7)</p> <p>2.That having considered Agenda Item Outcome of the 1st Stage Multi-storey Carpark and Office EOI.in confidence under 90(2) and 3(d) of the Local Government Act 1999, the Council pursuant to</p> | Section 91(7) of the Act orders that the Council report, attachment and all minutes be retained in confidence until contracts for the construction of both the office and carpark project have been signed or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

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|    |                      |  | <p>commercial position of the person who supplied the information in that the financial details of the EOI will be provided and discussed.</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 the continued non-disclosure of the 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 this information may result in a competitor receiving the information to the detriment of the proponents.</p> |  | <p>Section 91(7) of the Act orders that the Council report, attachment and all minutes be retained in confidence until contracts for the construction of both the office and carpark project have been signed or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |   |                  |                  |               |
| 88 | 23 June 2014 Special | Multi-Deck Car Park & Council Office Accommodation | 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  | council report, related documents and all                  | the disclosure of which could reasonably be expected to confer a   | Until a contract is in place or such lesser period as determined by Chief Executive Officer | 3 Oct 23         | Within 12 months |               |

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|   |      |            | <p>Manager Planning and Development, General Manager Infrastructure and Projects, General Manager Council Services, Manager Planning Policy and Strategy, Minute Secretary and Hames Sharley representatives Stuart Headland and Architect Adam Cunningham be excluded from attendance at the meeting for Agenda Item 3.1 Multi-Deck Car Park and Council Office Accommodation.</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:</p> <ul style="list-style-type: none"> <li>- proposing to conduct business; and</li> <li>- would prejudice the commercial position of the Council in that the information to be considered includes detailed plans and other financial information, the disclosure of which could prejudice the Council's commercial position during negotiations.</li> </ul> | <p>minutes be retained in confidence until a contract is in place or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> | <p>commercial advantage on a person with whom the Council is:</p> <ul style="list-style-type: none"> <li>- proposing to conduct business; and</li> <li>- would prejudice the commercial position of the Council in that the information to be considered includes detailed plans and other financial information, the disclosure of which could prejudice the Council's commercial position during negotiations.</li> </ul> | <p>Review every 12 months.</p> |                  |                  |               |



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|   |      |            | <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 severely 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 and in relation to other contract negotiations.</p> <p>7. Pursuant to Section 90 (3) (b)</p> <p>That having considered Agenda Item 3.1 Multi-Deck Car Park and Council Office Accommodation 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 all minutes be retained in confidence until a contract is in place</p> |  |   |                             |                  |                  |               |

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|    |             |   | or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.   |   |   |   |                  |                  |   |
| 95 | 18 May 2015 | Regional Tender for Waste, Recycling, Green Organics & Street Litter Bin Collection Services for Recycling/Green Organics Processing Services | <p>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, the four General Managers, the Minute Secretary, the Waste Strategy Coordinator and the Contracts Coordinator be excluded from attendance at the meeting for Agenda Item 17.1 "Regional Tender for Waste, Recycling, Green Organics &amp; Street Litter Bin Collection Services and for Recycling/Green Organics Processing Services".</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 proposing to conduct business and would prejudice the commercial position of the Council in that the information to be considered includes information, the disclosure of which could prejudice the Council's 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</p> | Council report, related documents and all minutes other than the name of contractor and the amount, be retained in confidence until the expiry of the contract (including renewals) between SOLO Resource Recovery and Council. | Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business and would prejudice the commercial position of the Council in that the information to be considered includes information, 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 | Until the expiry of the contract (including renewals) between SOLO Resource Recovery and Council. | 3 Oct 23         | Within 12 months | <i>Name of contractor and the amount included in public minutes</i> |

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|   |      |            | <p>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 and in relation to other contract negotiations.</p> <p>Agrees to award the tender for Waste, Recycling, Green Organics &amp; Street Litter Bin Collection Services and for Recycling/Green Organics Processing Services for an estimated amount of \$1,487,778 in year 1 to SOLO Resource Recovery.</p> <p>Section 91(7) Order</p> <p>Pursuant to Section 90 (3) (b)</p> <p>That having considered the Agenda Item "Regional Tender for Waste, Recycling, Green Organics &amp; Street Litter Bin Collection Services and for Recycling/Green Organics Processing Services" 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 all minutes other than the name of contractor and the amount, be retained in confidence until the expiry of the contract (including renewals) between SOLO Resource Recovery and Council.</p> |  | <p>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 and in relation to other contract negotiations.</p> |                             |                  |                  |               |

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| 102 | 21 Mar 2016 | Council Wastewater Services – New Customer | <p>Section 90 (3) (d) Order</p> <p>Pursuant to Section 90(3)(d)</p> <p>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, Four General Managers and Minute Secretary be excluded from attendance at the meeting for Agenda Item 17.1 Council Wastewater Service – New Customer.</p> <p>The Council is satisfied that pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the entity with whom Council is negotiating a Wastewater Commitment Deed.</p> <p>In addition, the disclosure of this information would, on balance, be contrary to the public interest as Council is negotiating in a competitive environment to secure a new sewer customer and significant future revenues and the Wastewater Commitment Deed requires confidentiality of specified commercial information. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the 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 this information may result in a competitor receiving the information to the detriment of the Council and community.</p> | Council report, attachment and all minutes                 | <p>the information to be received, discussed or considered in relation to this Agenda item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the entity with whom Council is negotiating a Wastewater Commitment Deed.</p> <p>In addition, the disclosure of this information would, on balance, be contrary to the public interest as Council is negotiating in a competitive environment to secure a new sewer customer and significant future revenues and the</p> | <p>Until the requirement for confidentiality by virtue of the ready to be executed Wastewater Commitment Deed between Council and the developer has ceased, this is currently expected to be around 2025 and that this order be reviewed every 12 months.</p> | 3 Oct 23         | Within 12 months |               |

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|     |             |                                       | Section 91(7) Order<br>Pursuant to Section 91(7)<br>That having considered Agenda Item 17.1 Council Wastewater Service – New Customer in confidence under 90(2) and 3(d) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the Council report, attachment and all minutes be retained in confidence until the requirement for confidentiality by virtue of the ready to be executed Wastewater Commitment Deed between Council and the developer has ceased, this is currently expected to be around 2025 and that this order be reviewed every 12 months.   |  | Wastewater Commitment Deed requires confidentiality of specified commercial information.  |  |                  |                  |   |
| 104 | 6 June 2016 | Mount Barker and Tourist Caravan Park | <u>Pursuant to Section 90(3)(g)</u><br>1. Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except CEO, General Manager Corporate Services, General Manager Council Services, General Manager Planning and Development, General Manager Infrastructure and Projects, Risk and Governance Officer and Minute Secretary be excluded from attendance at the meeting for Agenda Item 17.1 Confidential Report - Mount Barker Tourist and Caravan Park.<br><br>The Council is satisfied that pursuant to Section 90(3)(g) of the Act, the information concerning matters that must be considered in confidence in order to ensure that the Council does not breach a law, order or direction of a court or tribunal constituted by law, and breach any other legal obligation or duty in that Council is legally obliged to consider this matter in confidence and that it also contains matters related to a confidential agreement. | Council report and attachment                              | Information concerning matters that must be considered in confidence in order to ensure that the Council does not breach a law, order or direction of a court or tribunal constituted by law, and breach any other legal obligation or duty in that Council is legally obliged to consider this matter in confidence and that it also contains matters related to a confidential agreement. | Until the confidential settlement details expire on 13 September 2030 or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months | <i>Minute released 4 August 2016 and on Council's website 4 August 2016</i> |

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|   |      |            | <p>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 would be acting contrary to law as permission has only been granted to provide this information to Council.</p> <p>That having considered Agenda Item 17.1 Confidential Report - Mount Barker Tourist and Caravan Park in confidence under 90(2) and 3(g) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the discussion, report and attachment remain confidential until the author of the attachment allow for its release and until the confidential settlement details expire on 13 September 2030 or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |  | <p>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 would be acting contrary to law as permission has only been granted to provide this information to Council.</p> |                             |                  |                  |               |

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|-----|-----------------|--|---|---|---|---|------------------|------------------|--|
| 112 | 17 October 2016 | Mount Barker City Centre Land Strategy | <p>1. Pursuant to Section 90(3)(b)</p> <p>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, four General Managers and Senior Policy Planner and the Minute Secretary be excluded from attendance at the meeting for Agenda Item Mount Barker City Centre Land Strategy</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:</p> <ul style="list-style-type: none"> <li>- conducting business; or</li> <li>- proposing to conduct business; and</li> <li>- would prejudice the commercial position of the Council</li> </ul> <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</p> | <p>Council report, related documents and all minutes be retained in confidence with the exception of the letter exchange with the Mount Barker District Residents' Association, until the Council has concluded commercial negotiations or no longer has a direct interest in any of the strategic sites referenced in this item or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> | <p>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 severely prejudice Council's ability to</p> | <p>Until the Council has concluded commercial negotiations or no longer has a direct interest in any of the strategic sites referenced in this item or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> <p>Extended Refer #116</p> | 3 Oct 23         | Within 12 months | Attachment 3 only released on web 22/12/16 |

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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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>the circumstances because the disclosure of Council's commercial position may severely 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><b><u>Section 91(7) Order</u></b></p> <p>5. <u>Pursuant to Section 90 (3) (b) &amp; (d)</u></p> <p>That having considered Agenda Item Mount Barker City Centre Land Strategy 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 all minutes be retained in confidence with the exception of the letter exchange with the Mount Barker District Residents' Association, until the Council has concluded commercial negotiations or no longer has a direct interest in any of the strategic sites referenced in this item or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |  | be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter. |                             |                  |                  |               |



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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 |
|-----|-----------------|--|---|---|--|---|------------------|------------------|---------------|
| 113 | 16 January 2017 | Public Lighting Services Business Case | <p>1. <u>Pursuant to Section 90(3)(b)</u> Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except all General Managers, Acting General Manager Council Services and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 17.1 – Public Lighting Services Business Case.</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:</p> <ul style="list-style-type: none"> <li>- conducting business; or</li> <li>- proposing to conduct business; or</li> <li>- would prejudice the commercial position of the Council</li> </ul> <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 severely prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the</p> | The council report, related documents and all minutes be retained in confidence until the attached report is released by the Report Author or such lesser period as may be determined by the Chief Executive Officer that this order be reviewed every 12 months. | 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 severely prejudice Council's ability to be able to negotiate a cost- | Until the attached report is released by the Report Author or such lesser period as may be determined by the Chief Executive Officer that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

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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 |
|---|------|------------|---|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>Council and the community in this matter and in relation to other contract negotiations.</p> <p><b><u>Section 91(7) Order</u></b></p> <p>3. <u>Pursuant to Section 90 (3) (b) &amp; (d)</u><br/>That having considered Agenda Item 17.1 – Public Lighting Services Business Case 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 all minutes be retained in confidence until the attached report is released by the Report Author or such lesser period as may be determined by the Chief Executive Officer that this order be reviewed every 12 months.</p> |  | effective proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations. |                             |                  |                  |               |

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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                           |
|-----|--|---------------------------------|---|--|---|---|------------------|------------------|---|
| 114 | Special Audit Committee<br>24 April 2017 | Appointment of External Auditor | <p><u>Pursuant to Section 90(3)(k)</u></p> <p>1. Pursuant to Section 90(2) of the Local Government Act 1999 the Committee orders that all members of the public except General Manager Corporate Services, Manager Finance and the Risk and Governance Officer, be excluded from attendance at the meeting for Agenda Item 3.1 Appointment of External Auditor.</p> <p>The Committee is satisfied that pursuant to Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda item are tenders for the provision of the external audit service.</p> <p>2. The Committee 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 information to be disclosed and discussed has the potential to impact adversely on each of the tenderers as competitive commercial information will be disclosed.</p> <p><u>Pursuant to Section 91(7)</u></p> <p>5. That having considered Agenda Item 3.1 Appointment of External Auditor in confidence under 90(2) and 3(k) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the tender documents be retained in confidence until the contract has concluded and that this order be reviewed every 12 months.</p> <p>This order is subject to Section 91(8)(b) of the Act which provides that details of the identity of the successful tenderer must be released once Council has made a selection. In addition Section 91(8)(ba) of</p> | The tender documents be retained in confidence until the contract has concluded and that this order be reviewed every 12 months. | The information to be disclosed and discussed has the potential to impact adversely on each of the tenderers as competitive commercial information will be disclosed. | Until the contract has concluded and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months | <i>Minutes on website 26 April 2017</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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | the Act requires details of the amount(s) payable by the Council under a contract for the provision of the external audit must be released once the contract has been entered into by all concerned parties. |  |   |                             |                  |                  |               |

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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 |
|-----|-----------------|--|--|--|--|---|------------------|------------------|---------------|
| 126 | 4 December 2017 | Mount Barker WWTP - CMF Upgrade: Project Close-Out | <p><b><u>Section 90 (3) (g) Order</u></b></p> <p>1. <u>Pursuant to Section 90(3) (g)</u><br/>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, Deputy Chief Executive Officer / General Manager Infrastructure and Projects, General Manager Planning and Development, General Manager Corporate Services, General Manager Council Services and Minute Secretary be excluded from attendance at the meeting for Agenda Item Mount Barker WWTP CMF Upgrade Project Close-Out.</p> <p>The Council is satisfied that pursuant to Section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information concerning matters that must be considered in confidence in order to ensure that the Council does not breach a legal obligation in that the Settlement Agreement between Council and Guidera O'Connor requires confidentiality.</p> <p>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 of the legal obligation on Council.</p> | Discussion, report, attachments and all minutes            | <p>The Council is satisfied that pursuant to Section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information concerning matters that must be considered in confidence in order to ensure that the Council does not breach a legal obligation in that the Settlement Agreement between Council and Guidera O'Connor requires confidentiality.</p> <p>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 of the legal obligation on Council.</p> | Should remain confidential and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

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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 |
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|--|--|--|--|--|--|--|--|--|--|
|  |  |  | <p><b><u>Section 91(7) Order</u></b></p> <p>3. <u>Pursuant to Section 91(7)</u><br/>That having considered Agenda Item Mount Barker WWTP CMF Upgrade Project Close-Out in confidence under 90(2) and 3(g) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the discussion, report, attachments and all minutes should remain confidential and that this order be reviewed every 12 months.</p> |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|

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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 |
|-----|------------------|---|---|---|--|---|------------------|------------------|---------------|
| 139 | 2 September 2019 | Strategic Land Purchase: Mount Barker City Centre | <p><b>Section 90 (3) (b) Order</b></p> <p>1. <u>Pursuant to Section 90(3)(b)</u></p> <p>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, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, General Manager Community Services, Acting General Manager Planning and Development, Manager Strategic Projects, Risk and Governance Officer and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item titled Strategic Land Purchase Mount Barker City Centre.</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 would prejudice the commercial position of the Council</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 severely 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 and in relation to other contract negotiations.</p> | That the council report, related documents and all minutes be retained in confidence (with the exception of the purchase of the subject land by council being made public once settlement has occurred) until Council has determined and formalised the future use of the subject land following an intended Expressions of Interest process or such lesser period as may be determined by the Chief Executive Officer. | 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 would prejudice the commercial position of the Council | Retained in confidence (with the exception of the purchase of the subject land by council being made public once settlement has occurred) until Council has determined and formalised the future use of the subject land following an intended Expressions of Interest process or such lesser period as may be determined by the Chief Executive Officer. | 3 Oct 23         | Within 12 months |               |

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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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><b><u>Section 91(7) Order</u></b></p> <p>4. That having considered the Agenda Item titled Strategic Land Purchase Mount Barker City Centre 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 all minutes be retained in confidence (with the exception of the purchase of the subject land by council being made public once settlement has occurred) until Council has determined and formalised the future use of the subject land following an intended Expressions of Interest process or such lesser period as may be determined by the Chief Executive Officer.</p> |  |   |                             |                  |                  |               |



# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|------------------|--|--|--|---|---|------------------|------------------|---------------|
| 140 | 2 September 2019 | Regional Aquatic and Indoor Leisure Centre | <p><b>Section 90 (3) (b) Order</b></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, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, General Manager Community Services, Acting General Manager Planning and Development, Manager Strategic Projects, Risk and Governance Officer, and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item titled Regional Indoor Aquatic and Leisure Centre.</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 would prejudice the commercial position of the Council.</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, detailed within the draft Business Case, may severely prejudice Council's ability to be able to negotiate a cost-effective outcome in relation to contract negotiations with future facility managers and operators.</p> <p><b>Section 91(7) Order</b></p> <p>4. That having considered the Agenda Item titled Regional Indoor Aquatic and Leisure Centre in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section</p> | That the council report and draft business case and all minutes be retained in confidence until Council has determined that the release of such documents will not prejudice its ability to negotiate a satisfactory commercial outcome or such lesser period as may be determined by the Chief Executive Officer. | 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 would prejudice the commercial position of the Council. | Retained in confidence until Council has determined that the release of such documents will not prejudice its ability to negotiate a satisfactory commercial outcome or such lesser period as may be determined by the Chief Executive Officer. | 3 Oct 23         | Within 12 months |               |

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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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | 91(7) of the Act orders that the council report and draft business case and all minutes be retained in confidence until Council has determined that the release of such documents will not prejudice its ability to negotiate a satisfactory commercial outcome or such lesser period as may be determined by the Chief Executive Officer. |  |   |                             |                  |                  |               |

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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 |
|-----|-------------------|--|--|--|---|--|------------------|------------------|---------------|
| 142 | 16 September 2019 | City Centre Catalyst Development: Expression of Interest | <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 Chief Executive Officer, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, General Manager Community Services, Acting General Manager Planning and Development, Chief Financial Officer, Manager Strategic Projects, Planning and Policy, Risk and Governance Officer, Minute Secretary, Ben Koop (JLL/Alinea Group) and Sean Keenihan (Norman Waterhouse Lawyers) be excluded from attendance at the meeting for Agenda Item 3.1 Confidential: City Centre Catalyst Development: Expression of Interest.</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:</p> <ul style="list-style-type: none"> <li>- conducting business; or</li> <li>- proposing to conduct business; or</li> <li>- would prejudice the commercial position of the Council</li> </ul> <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 would seriously compromise the Council's ability to engage and negotiate effectively as the Council's commercial position in relation to the matter</p> | That the council report, related documents and all minutes be retained in confidence until a contract or lease is executed (other than information necessary to conduct the expression of interest process) or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 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: | Retained in confidence until a contract or lease is executed (other than information necessary to conduct the expression of interest process) or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

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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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>would inappropriately become known to any potential proponent.</p> <p>7. <u>Pursuant to Section 90 (3) (b)</u><br/>           That having considered Agenda Item 3.1 Confidential: City Centre Catalyst Development: Expression of Interest, 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 all minutes be retained in confidence until a contract or lease is executed (other than information necessary to conduct the expression of interest process) or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |  |   |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|-----------------|------------------------------------|---|--|---|--|------------------|------------------|---------------|
| 143 | 4 November 2019 | Kerbside Waste Contract Amendments | <p><u>Pursuant to Section 90(3)(k) and (b)</u></p> <p>1. 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 Community Services, General Manager Infrastructure, Acting General Manager Planning and Development, Chief Financial Officer, Risk and Governance Officer and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Kerbside Waste Contract Amendments.</p> <p>The Council is satisfied that pursuant to:</p> <ul style="list-style-type: none"> <li>- Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda item are tenders for: <ul style="list-style-type: none"> <li>• The provision of services, or</li> <li>• The carrying out of works</li> </ul> </li> <li>- Section 90(3)(b) of the Act being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is: <ul style="list-style-type: none"> <li>- conducting business; or</li> <li>- would prejudice the commercial position of the Council</li> </ul> </li> </ul> <p>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 information to be disclosed and discussed has the potential to impact adversely on each of the tenderers as competitive commercial information will be disclosed; and because the disclosure of Council's commercial position may severely 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 and in relation to other contract negotiations.</p> | Report and minutes be retained in confidence until the conclusion of the contract and that this order be reviewed every 12 months. | <p>The Council is satisfied that pursuant to:</p> <ul style="list-style-type: none"> <li>- Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda item are tenders for: <ul style="list-style-type: none"> <li>• The provision of services, or</li> <li>• The carrying out of works</li> </ul> </li> <li>- Section 90(3)(b) of the Act being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is: <ul style="list-style-type: none"> <li>- conducting business; or</li> <li>- would prejudice the commercial position of the Council</li> </ul> </li> </ul> | Retained in confidence until the conclusion of the contract and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

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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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><b><u>Section 91(7) Order</u></b><br/> <u>Pursuant to Section 91(7)</u><br/>           5. That having considered Agenda Item 18.1 Kerbside Waste Contract Amendments in confidence under 90(2) and 3(k) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report and minutes be retained in confidence until the conclusion of the contract and that this order be reviewed every 12 months.</p> |  |   |                             |                  |                  |               |

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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 |
|-----|-----------------|------------------------|---|--|---|--|------------------|------------------|---------------|
| 145 | 3 February 2020 | Recycled Water Storage | <p><b>Section 90 (3) (h) Order</b></p> <p>1. <u>Pursuant to Section 90(3)(h)</u><br/>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, Deputy Chief Executive Officer/General Manager Wastewater/Recycled Water, General Manager Infrastructure, General Manager Planning and Development, General Manager Community Services, Chief Financial Officer and Minute Secretary be excluded from attendance at the meeting for Agenda Item Recycled Water Storage.</p> <p>The Council is satisfied that pursuant to Section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information relating to legal advice, which will be discussed with council members.</p> <p>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 a Council decision has not yet been made in relation to the advice and its subject matter.</p> <p>4. <u>Pursuant to Section 91(7)</u><br/>That having considered Agenda Item Recycled Water Storage in confidence under 90(2) and 3(h) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the discussion, report, including the two addendums, attachments, and all minutes be retained in confidence ..... or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> | Report, including the two addendums, attachments, and all minutes be retained ..... or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | <p>The Council is satisfied that pursuant to Section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information relating to legal advice, which will be discussed with council members.</p> <p>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 a Council decision has not yet been made in relation to the advice and its subject matter.</p> | Retained in confidence until .....or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

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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 |
|-----|--------------|--|---|--|---|---|------------------|------------------|---------------|
| 147 | 2 March 2020 | City Centre Catalyst Development: Expression Of Interest | <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 Chief Executive Officer, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, General Manager Community Services, Acting General Manager Planning and Development, Chief Financial Officer, Minute Secretary, Ben Koop (JLL/Alinea Group) and Sean Keenihan (Norman Waterhouse Lawyers) be excluded from attendance at the meeting for Agenda Item 18.2 Confidential: City Centre Catalyst Development: Expression of Interest.</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:</p> <ul style="list-style-type: none"> <li>- conducting business; or</li> <li>- proposing to conduct business; or</li> <li>- would prejudice the commercial position of the Council</li> </ul> <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</p> | Report, attachments, related documents and all minutes     | <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:</p> <p>conducting business; or<br/>proposing to conduct business; or<br/>would prejudice the commercial position of the Council</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</p> | Retained in confidence until 25 February 2030 or earlier as determined by the Chief Executive Officer, other than information that is required for consultation. This order will be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |



# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|---|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>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 seriously 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.</p> <p>8. <u>Pursuant to Section 90 (3) (b)</u><br/>That having considered Agenda Item 18.2 Confidential: City Centre Catalyst Development: Expression of Interest, 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, attachments, related documents and all minutes be retained in confidence until 25 February 2030 or earlier as determined by the Chief Executive Officer, other than information that is required for consultation. This order will be reviewed every 12 months.</p> |  | <p>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 seriously 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</p> |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| # | 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 |
|---|------|------------|----------------------------|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            |                            |  | any potential proponent.                                  |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|--------------|--------------------------------|---|--|---|--|------------------|------------------|---------------|
| 149 | 6 April 2020 | Recycled Water Use And Storage | <p><b>Section 90 (3) (h) Order</b></p> <p>1. <u>Pursuant to Section 90(3)(h)</u><br/>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, Deputy Chief Executive Officer/General Manager Wastewater/Recycled Water, General Manager Infrastructure, General Manager Planning and Development, General Manager Community Services, Chief Financial Officer, ICT Support Officer and Minute Secretary be excluded from attendance at the meeting for Agenda Item Recycled Water Use and Storage.</p> <p>The Council is satisfied that pursuant to Section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information relating to legal advice, which will be discussed with council members.</p> <p>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 a Council decision has not yet been made in relation to the advice and its subject matter.</p> <p><b>Section 91(7) Order</b></p> <p>4. <u>Pursuant to Section 91(7)</u><br/>That having considered Agenda Item Recycled Water Use and Storage in confidence under 90(2) and 3(h) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the discussion, report, attachments and all</p> | Report, attachments and all minutes                        | <p>The Council is satisfied that pursuant to Section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information relating to legal advice, which will be discussed with council members.</p> <p>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 a Council decision has not yet been made in relation to the advice and its subject matter.</p> | Retained in confidence until the subject land has been transferred to council ownership or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| # | 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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | minutes be retained in confidence until the subject land has been transferred to council ownership or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. |  |   |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|-------------|---|---|--|---|---|------------------|------------------|---------------|
| 150 | 6 July 2020 | Recycled Water Quality, Storage and Use | <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, Deputy Chief Executive Officer/General Manager Wastewater/Recycled Water, General Manager Infrastructure, General Manager Planning and Development, General Manager Community Services, Chief Financial Officer, Commercial Manager Wastewater and Minute Secretary be excluded from attendance at the meeting for Agenda Item Recycled Water Use and Storage.</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 proposing to conduct business and would prejudice the commercial position of the Council.</p> <p>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 a Council decision has not yet been made in relation to the advice and its subject matter.</p> | Report, attachments, addendum and all minutes              | <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 proposing to conduct business and would prejudice the commercial position of the Council.</p> <p>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 a Council decision has not yet been made in</p> | Retained in confidence until council has secured a legal interest in a site for the construction of a recycled water storage facility and concluded commercial negotiations on all of the matters outlined below or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>Section 91(7) Order</p> <p>7. Pursuant to Section 91(7) That having considered Agenda Item Recycled Water Quality, Storage and Use 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 discussion, report, attachments, addendum and all minutes be retained in confidence until council has secured a legal interest in a site for the construction of a recycled water storage facility and concluded commercial negotiations on all of the matters outlined below or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |  | relation to the advice and its subject matter.            |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|----------------|--|--|--|--|--|------------------|------------------|---------------|
| 154 | 6 October 2020 | Recycled Water Storage Facility Preferred Location | <p><u>Pursuant to Section 90(3)(b)</u><br/>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, Deputy Chief Executive Officer/General Manager Wastewater/Recycled Water, Acting General Manager Infrastructure, General Manager Planning and Development, General Manager Community Services, Chief Financial Officer and Minute Secretary be excluded from attendance at the meeting for Agenda Item Recycled Water Storage Facility Preferred Location.</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 proposing to conduct business and would prejudice the commercial position of the Council.</p> <p>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 a Council decision has not yet been made in relation to the advice and its subject matter.</p> <p><u>Pursuant to Section 91(7)</u><br/>That having considered Agenda Item Recycled Water Storage Facility Preferred Location 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 discussion, report, attachments and all minutes be retained in confidence until council has secured a legal interest in a site for the</p> | Report, attachment and minutes                             | 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 proposing to conduct business and would prejudice the commercial position of the Council. | Retained in confidence until council has secured a legal interest in a site for the construction of a recycled water storage facility and concluded negotiations on all of the matters outlined below or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | construction of a recycled water storage facility and concluded negotiations on all of the matters outlined below or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. |  |   |                             |                  |                  |               |



**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|-----------------|---|--|--|---|--|------------------|------------------|---------------|
| 156 | 4 November 2020 | City Centre Catalyst Development – Request for Detailed Proposals | <p><u>Pursuant to Section 90(3)(b)</u></p> <p>Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, General Manager Community Services, General Manager Planning and Development, Chief Financial Officer, Minute Secretary, Ben Koop (Alinea Group) and Sean Keenihan (Norman Waterhouse Lawyers) be excluded from attendance at the meeting for Agenda Item 3.1 Confidential: City Centre Catalyst Development: Request For Detailed Proposals.</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:</p> <ul style="list-style-type: none"> <li>- conducting business; or</li> <li>- proposing to conduct business; or</li> <li>- would prejudice the commercial position of the Council</li> </ul> <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 of the meeting be conducted in a place</p> | Council report, attachments, related documents and all minutes | <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:</p> <ul style="list-style-type: none"> <li>- conducting business; or</li> <li>- proposing to conduct business; or</li> <li>- would prejudice the commercial position of the Council</li> </ul> | Retained in confidence until 29 October 2030 or earlier other than information that is required for consultation with the community as determined by the Chief Executive Officer, and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position would seriously 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.</p> <p><u>Pursuant to Section 90 (3) (b)</u><br/>           That having considered Agenda Item 3.1 Confidential: City Centre Catalyst Development: Request For Detailed Proposals, 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, attachments, related documents and all minutes be retained in confidence until 29 October 2030 or earlier other than information that is required for consultation with the community as determined by the Chief Executive Officer, and that this order be reviewed every 12 months.</p> |  |   |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|------------------|--|--|--|---|---|------------------|------------------|---------------|
| 158 | 22 February 2021 | City Centre Catalyst development: Heads of Agreement | <p>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 Community Services, General Manager Planning and Development, Chief Financial Officer, Manager Strategic Projects and Planning Policy, Minute Secretary and Ben Koop (Alinea Group) be excluded from attendance at the meeting for Agenda Item 3.1 Confidential: City Centre Catalyst Development: Heads of Agreement.</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:</p> <ul style="list-style-type: none"> <li>- conducting business; or</li> <li>- proposing to conduct business; or</li> <li>- would prejudice the commercial position of the Council</li> </ul> <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 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 seriously</p> | Council report, attachments, related documents and all minutes | 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 seriously 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. | Retained in confidence until 17 <sup>th</sup> February 2031 or earlier other than information that is required for consultation with the community as determined by the Chief Executive Officer, and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>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.</p> <p><u>Pursuant to Section 90 (3) (b)</u><br/>           That having considered Agenda Item 3.1 Confidential: City Centre Catalyst Development: Heads of Agreement, 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, attachments, related documents and all minutes be retained in confidence until 17<sup>th</sup> February 2031 or earlier other than information that is required for consultation with the community as determined by the Chief Executive Officer, and that this order be reviewed every 12 months.</p> |  |   |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|-------------|--|--|--|--|--|------------------|------------------|---------------|
| 159 | 7 June 2021 | Kerbside Waste – Processing of Recyclables | <p><u>Pursuant to Section 90(3)(b)</u><br/>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, Deputy Chief Executive Officer/General Manager Wastewater/Recycled Water, General Manager Infrastructure, General Manager Planning and Development, Acting General Manager Community Services, Chief Financial Officer, Commercial Manager Wastewater Infrastructure, Risk &amp; Governance Officer and Minute Secretary be excluded from attendance at the meeting for Agenda Item Kerbside Waste – Processing of Recyclables.</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 proposing to conduct business and would prejudice the commercial position of the Council.</p> <p>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 a Council decision has not yet been made in relation to the advice and its subject matter.</p> <p><u>Pursuant to Section 91(7)</u><br/>That having considered Agenda Item Kerbside Waste – Processing of Recyclables 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 discussion, report, attachments and all minutes be retained in confidence until council has concluded negotiation and executed the associated documentation on all of the matters outlined below or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> | Discussion, report, attachments and all minutes            | <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 proposing to conduct business and would prejudice the commercial position of the Council.</p> <p>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 a Council decision has not yet been made in relation to the advice and its subject matter.</p> | Retained in confidence until council has concluded negotiation and executed the associated documentation on all of the matters outlined below or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|-------------|---|---|--|---|--|------------------|------------------|---------------|
| 160 | 7 June 2021 | Nairne Wastewater Infrastructure Proposed Upgrading and Expansion – Business Case | <p><u>Pursuant to Section 90(3)(b)</u><br/>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; Deputy Chief Executive Officer/General Manager Wastewater/Recycled Water; General Manager, Infrastructure; Acting General Manager Council Services; General Manager Planning and Development; Chief Financial Officer, Commercial Manager, Wastewater, Governance and Risk Officer and Minute Secretary be excluded from attendance at the meeting for Agenda Item Nairne Wastewater Infrastructure Proposed Upgrading and Expansion: Business Case.</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 proposing to conduct business; and would prejudice the commercial position of the Council.</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 and in relation to procurement and contract negotiations.</p> <p><u>Pursuant to Section 90 (3) (b)</u><br/>That having considered the Agenda Item Nairne Wastewater Infrastructure Proposed Upgrading and Expansion: Business Case 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 agenda item and attachments, related documents and all</p> | Agenda item and attachments, related documents and all minutes | 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. | Retained in confidence until Wastewater Commitment Deeds have been executed by both parties over all of the greenfields sites shown in attachment 2 and the procurement of all stage 1 works has occurred, or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

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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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | minutes be retained in confidence until Wastewater Commitment Deeds have been executed by both parties over all of the greenfields sites shown in attachment 2 and the procurement of all stage 1 works has occurred, or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months. |  |   |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|---------------|----------------------------|--|--|---|--|------------------|------------------|---------------|
| 163 | 2 August 2021 | Aquatic and Leisure Centre | <p><b><u>Pursuant to Section 90(3)(b)</u></b><br/>Pursuant to Section 90(2) of the Local Government Act the Council orders that all members of the public except Chief Executive Officer, Deputy Chief Executive Officer, General Manager Community Services, General Manager Infrastructure, General Manager Planning &amp; Development, Chief Financial Officer, Manager Strategic Projects and Economic Development, Risk and Governance Officer, Project Administration Officer, Minute Secretary and Ben Koop (Alinea Group), Warren Green (Warren Green Consulting) and Sean Keenihan (Norman Waterhouse Lawyers) be excluded from attendance at the meeting for Agenda Item 18.2 Aquatic and Leisure Centre.</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.</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 severely 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 and in relation to other contract negotiations.</p> <p><b><u>Pursuant to Section 90 (3) (b) &amp; (d)</u></b><br/>That having considered Agenda Item 18.2 Aquatic and Leisure Centre 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,</p> | Council report, related documents and all minutes          | 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 severely 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 and in relation to other contract negotiations. | Retained in confidence 2 <sup>nd</sup> August, 2031) or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |



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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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | related documents and all minutes be retained in confidence 2 <sup>nd</sup> August, 2031) or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months. |  |   |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|---------------|--------------------------------------|---|--|---|--|------------------|------------------|---------------|
| 164 | 2 August 2021 | Public Lighting Tariffs Legal Action | <p><u>Pursuant to Section 90(3)(h)</u></p> <p>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, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects And Wastewater/Recycled Water; Chief Financial Officer, General Manager Infrastructure; General Manager Planning and Development, General Manager Council Services, Risk and Governance Officer and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.3 Public Lighting Tariffs Legal Action.</p> <p>The Council is satisfied that pursuant to Section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information relating to legal advice, which will be discussed with council members.</p> <p>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 a Council decision has not yet been made in relation to the advice and its subject matter.</p> <p><u>Pursuant to Section 91(7)</u></p> <p>That having considered Agenda Item Confidential Item: 18.3 Public Lighting Tariffs Legal Action, in confidence under 90(2) and 3(h) 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 until the matter has been concluded and that this does not prevent the disclosure of confidential information or such other period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 Months.</p> | Report, Attachments and all Minutes                        | <p>The Council is satisfied that pursuant to Section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information relating to legal advice, which will be discussed with council members.</p> <p>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 a Council decision has not yet been made in relation to the advice and its subject matter.</p> | Retained in confidence until the matter has been concluded and that this does not prevent the disclosure of confidential information or such other period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 Months. | 3 Oct 23         | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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                              |
|-----|------------------|--|---|--|---|--|------------------|------------------|--|
| 171 | 29 November 2021 | Confidential Item – Sewer Main And Inlet Pump Station Tender | <p>Section 90 (3) (k) Order</p> <p>1. 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, Deputy Chief Executive Officer, Chief Financial Officer, General Manager Infrastructure, Program/Project Manager Wastewater, and the Risk &amp; Governance Officer/Minute Secretary be excluded from attendance at the meeting for Agenda Item 4.1 Sewer Main and Inlet Pump Station Tender.</p> <p>The Council is satisfied that pursuant to Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this agenda item is a tender for the provision of services and the carrying out of works.</p> <p>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 information to be disclosed and discussed has the potential to impact adversely on the achievement by Council of best value for money through the release of commercially sensitive information.</p> <p><u>Section 91(7) Order</u></p> <p>10. Pursuant to Section 91(7) having considered Agenda Item 4.1 Sewer Main and Inlet Pump Station Tender in confidence under 90(2) and 3(k) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Local Government Act orders that the agenda item plus attachments, tender documents and all minutes be retained in confidence until a contract for the design and construction for the Project has been executed by council and the contractor, at which time the identity of the successful tenderer, the reason for their selection and the amount of the contract will be made public as required by the Local Government Act.</p> | Agenda item plus attachments, tender documents and all minutes | <p>The Council is satisfied that pursuant to Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this agenda item is a tender for the provision of services and the carrying out of works.</p> <p>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 information to be disclosed and discussed has the potential to impact adversely on the achievement by Council of best value for money through the release of commercially sensitive information.</p> | Retained in confidence until a contract for the design and construction for the Project has been executed by council and the contractor, at which time the identity of the successful tenderer, the reason for their selection and the amount of the contract will be made public as required by the Local Government Act. | 3 Oct 23         | Within 12 months | Successful tenderer released 30 March 2022 |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #    | 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                                      |
|------|------------------|--|---|--|--|--|------------------|------------------|--|
| 173a | 17 February 2022 | Audit and Risk Committee – Nairne Township Wastewater Infrastructure Upgrade – Prudential Report | <p><b><u>Section 90 (3) (b) Order</u></b></p> <p><u>Pursuant to Section 90(3)(b)</u></p> <p>1. Pursuant to Section 90(2) of the Local Government Act 1999 the Audit and Risk Committee orders that all members of the public except the Chief Financial Officer; Deputy Chief Executive Officer/General Manager Governance and Wastewater/Recycled Water; Manager Financial Services, and Risk and Governance Officer, and Councillor David Leach be excluded from attendance at the meeting for Agenda Item 12.1 Nairne Township Wastewater Infrastructure Upgrade – Prudential Report.</p> <p>The Audit and Risk Committee is satisfied that pursuant to Section 90(3)(b) of the Act, some of the information to be received, discussed or considered in relation to this Agenda item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the position of the Council.</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 Audit and Risk Committee 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 proposal for the benefit of the Council and the community in this matter.</p> | Agenda item, attachment and all minutes                    | <p>Pursuant to Section 90(2) of the Local Government Act 1999 the Audit and Risk Committee orders that all members of the public except the Chief Financial Officer; Deputy Chief Executive Officer/General Manager Governance and Wastewater/Recycled Water; Manager Financial Services, and Risk and Governance Officer, and Councillor David Leach be excluded from attendance at the meeting for Agenda Item 12.1 Nairne Township Wastewater Infrastructure Upgrade – Prudential Report.</p> <p>The Audit and Risk Committee is satisfied that pursuant to Section 90(3)(b) of the Act, some of the information to be received, discussed or considered in relation to this Agenda item is commercial information of a confidential nature</p> | Retained in confidence until the council determines that this order should cease to apply. | 3 Oct 23         | Within 12 months | <i>Attachment released on website 8 March 2022</i> |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| # | 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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><u>Section 91(7) Order</u><br/><u>Pursuant to Section 91(7)</u></p> <p>4. That having considered Agenda Item 12.1 Nairne Township Wastewater Infrastructure Upgrade – Prudential Report in confidence under 90(2) and 3(b) of the Local Government Act 1999, the Audit and Risk Committee pursuant to Section 91(7) of the Act orders that the agenda item, attachment and all minutes be retained in confidence until the council determines that this order should cease to apply.</p> |  | <p>(not being a trade secret) the disclosure of which could reasonably be expected to prejudice the position of the Council.</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 Audit and Risk Committee 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 proposal for the benefit of the</p> |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| # | 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 |
|---|------|------------|----------------------------|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            |                            |  | Council and the community in this matter.                 |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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                                      |
|-----|--------------|--|--|--|---|--|------------------|------------------|--|
| 174 | 7 March 2022 | Audit and Risk Committee – Nairne Township Wastewater Infrastructure Upgrade – Prudential Report | <p><b>Section 90 (3) (b) Order</b></p> <p><u>Pursuant to Section 90(3)(b)</u></p> <p>1. 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; Deputy Chief Executive Officer General Manager – Governance, Strategic Projects and Wastewater/ Recycled Water; General Manager Corporate Services; General Manager, Infrastructure; General Manager, Planning and Development; Acting General Manager, Community Services; Risk and Governance Officer / Executive Assistant to the Mayor and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Nairne Township Wastewater Infrastructure Upgrade – Prudential Report.</p> <p>The Council is satisfied that pursuant to Section 90(3)(b) of the Act, some of the information to be received, discussed or considered in relation to this Agenda item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the position of the Council.</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 proposal for the benefit of the Council and the community in this matter.</p> <p><u>Section 91(7) Order</u></p> <p><u>Pursuant to Section 91(7)</u></p> <p>4. having considered Agenda Item 18.1 Nairne Township Wastewater Infrastructure Upgrade – Prudential Report in confidence under 90(2) and 3(b)</p> | Agenda item and all minutes                                | <p>The Council is satisfied that pursuant to Section 90(3)(b) of the Act, some of the information to be received, discussed or considered in relation to this Agenda item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the position of the Council.</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</p> | Retained in confidence until the council determines that this order should cease to apply. | 3 Oct 23         | Within 12 months | <i>Attachment released on website 8 March 2022</i> |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the agenda item and all minutes be retained in confidence until the council determines that this order should cease to apply. |  | been outweighed in the circumstances because the disclosure of Council's commercial position may prejudice Council's ability to be able to negotiate a proposal for the benefit of the Council and the community in this matter. |                             |                  |                  |               |



# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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   |
|-----|------------|--|---|--|---|---|------------------|------------------|---|
| 175 | 2 May 2022 | Wastewater Service Delivery – Developer wastewater Infrastructure Fees | <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; Deputy Chief Executive Officer/General Manager Governance and Wastewater/Recycled Water; General Manager, Infrastructure; General Manager, Planning and Community; General Manager, Corporate Services; Acting General Manager Community Services, Risk and Governance Officer / EA to the Mayor, and Executive Assistant to the Chief Executive Officer be excluded from attendance at the meeting for Agenda Item 3.1 Wastewater Service Delivery – Developer Wastewater Infrastructure Fees.</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 would prejudice the commercial position of the Council.</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 and in relation to other contract negotiations.</p> | Council report, related documents and all minutes except Attachments 4 and 5 be retained in confidence | <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 would prejudice the commercial position of the Council.</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</p> | Retained in confidence, with the exception that this information be made available to all members of the council's Audit and Risk Committee given the addition to the terms of reference of that Committee, until 2 May 2025 or such lesser period for some of the information as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months | <i>Attachments 4 and 5 released on website 31 August 2022</i> |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>Section 91(7) Order</p> <p>9. Pursuant to Section 90 (3) (b)</p> <p>That having considered Agenda Item 3.1 Wastewater Service Delivery – Developer Wastewater Infrastructure Fees 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 all minutes except Attachments 4 and 5 be retained in confidence, with the exception that this information be made available to all members of the council's Audit and Risk Committee given the addition to the terms of reference of that Committee, until 2 May 2025 or such lesser period for some of the information as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |  | 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 and in relation to other contract negotiations. |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|------------|--|--|---|--|--|------------------|------------------|---------------|
| 176 | 2 May 2022 | Regional Aquatic and Leisure Centre Project Update | <p>Section 90 (3) (k) Order</p> <p>1. 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, Deputy Chief Executive Officer, Acting General Manager Community Services, General Manager Infrastructure, General Manager Planning &amp; Community, General Manager Corporate Services, Risk and Governance Officer, and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Regional Aquatic and Leisure Centre Project Update.</p> <p>The Council is satisfied that pursuant to Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda item are tenders for the provision of services.</p> <p>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 information to be disclosed and discussed has the potential to impact on each of the tenderers.</p> <p>Section 91(7) Order</p> <p>2. Pursuant to Section 91(7) That having considered Agenda Item 18.1 Regional Aquatic and Leisure Centre Project Update in confidence under 90(2) and 3(k) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the agenda item, tender documents and all minutes be retained in confidence until 2 May 2023 save and except attachment 1 and that this order is subject to Section 91(8) of the Act which provides that the identity of the successful tenderer, the amount(s) payable by the Council under a contract for the provision of the specified services and the reason for the tender being awarded to the successful tenderer must be released once the contract has been entered into by all concerned parties.</p> | Agenda item, tender documents and all minutes be retained in confidence until 2 May 2023 save and except attachment 1 and that this order is subject to Section 91(8) of the Act which provides that the identity of the successful tenderer, the amount(s) payable by the Council under a contract for the provision of the specified services and the reason for the tender being awarded to the successful tenderer must be released once the contract has been entered into by all concerned parties. | 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 information to be disclosed and discussed has the potential to impact on each of the tenderers. | Retained in confidence until 2 May 2023 save and except attachment 1 and that this order is subject to Section 91(8) of the Act which provides that the identity of the successful tenderer, the amount(s) payable by the Council under a contract for the provision of the specified services and the reason for the tender being awarded to the successful tenderer must be released once the contract has been entered into by all concerned parties. | 3 Oct 23         | Within 12 months |               |

CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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   |
|-----|-------------|--|--|--|--|---|------------------|------------------|---|
| 178 | 6 June 2022 | Proposed Upgrading and expansion of Nairne Wastewater Infrastructure | <p><b><u>Section 90 (3) (b) Order</u></b></p> <p>1. <u>Pursuant to Section 90(3)(b)</u><br/>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; Deputy Chief Executive Officer/General Manager Wastewater/Recycled Water; General Manager, Infrastructure; Acting General Manager Community Services; General Manager Planning and Community; General Manager Corporate Services; Economic Development Project Manager; Risk and Governance Officer/ EA to the Mayor; and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Proposed Upgrading and Expansion of Nairne Wastewater Infrastructure.</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 proposing to conduct business; and would prejudice the commercial position of the Council.</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 and in relation to procurement and contract negotiations.</p> | Agenda item and attachments 2 and 3, and all minutes be retained in confidence | <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 proposing to conduct business; and would prejudice the commercial position of the Council.</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</p> | Retained in confidence until Wastewater Commitment Deeds have been executed by both parties over the greenfields sites shown as Nairne West and Oakford Homes in attachment 2 and the procurement of all Nairne Wastewater Infrastructure Project stage 1 works has occurred, or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months; but save and except information that is required to be made publicly available now to enable community consultation to occur on proposed Wastewater Infrastructure Augmentation Separate Rates. | 3 Oct 23         | Within 12 months | <i>Attachments 1 and 4 released on website 31 August 2022</i> |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><u>Section 91(7) Order</u></p> <p>6. <u>Pursuant to Section 90 (3) (b)</u><br/>           That having considered the Agenda Item 18.1 Proposed Upgrading and Expansion of Nairne Wastewater Infrastructure 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 agenda item and attachments 2 and 3, and all minutes be retained in confidence until Wastewater Commitment Deeds have been executed by both parties over the greenfields sites shown as Nairne West and Oakford Homes in attachment 2 and the procurement of all Nairne Wastewater Infrastructure Project stage 1 works has occurred, or such lesser period as may be determined by the Chief Executive Officer, and that this order be reviewed every 12 months; but save and except information that is required to be made publicly available now to enable community consultation to occur on proposed Wastewater Infrastructure Augmentation Separate Rates.</p> |  | 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 and in relation to procurement and contract negotiations. |                             |                  |                  |               |

CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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   |
|-----|-------------|-------------------------|--|--|--|---|------------------|------------------|---|
| 179 | 6 June 2020 | Strategic Land Purchase | <p><b>Section 90 (3) (b) Order</b></p> <p>1. <u>Pursuant to Section 90(3)(b)</u><br/>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, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, Acting General Manager Community Services, General Manager Planning and Community, General Manager Corporate Services, Economic Development Project Manager, Risk and Governance Officer/ EA to the Mayor and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.2 titled Strategic Land Purchase.</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 prejudice the commercial position of the Council</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 and in relation to other contract negotiations.</p> | Council report, attached documents and all minutes be retained in confidence | <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 prejudice the commercial position of the Council</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</p> | Retained in confidence until settlement of the purchase of the subject land parcels by council has occurred, save and except the rental payable by both of the existing tenants will remain confidential for a period of 2 years or such lesser period as may be determined by the Chief Executive Officer. | 3 Oct 23         | Within 12 months | <i>Report, Minutes and Attachment s excluding rent payable released on website 3 January 2023</i> |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><u>Section 91(7) Order</u></p> <p>9. that having considered the Agenda Item 18.2 titled Strategic Land Purchase 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, attached documents and all minutes be retained in confidence until settlement of the purchase of the subject land parcels by council has occurred, save and except the rental payable by both of the existing tenants will remain confidential for a period of 2 years or such lesser period as may be determined by the Chief Executive Officer.</p> |  | 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 and in relation to other contract negotiations. |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|-------------|--------------------------------|---|--|--|---|------------------|------------------|---------------|
| 180 | 4 July 2022 | Strategic Land Purchase Option | <p><b><u>Section 90 (3) (b) Order</u></b></p> <p><u>Pursuant to Section 90(3)(b)</u><br/>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, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, Acting General Manager Community Services, General Manager Planning and Community, General Manager Corporate Services, Manager Strategic Projects and Economic Development, Manager Financial Services, Risk and Governance Officer/EA to Mayor and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.1 titled Strategic Land Purchase Option.</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 prejudice the commercial position of the Council</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 and in relation to other contract negotiations.</p> | Council report, attached documents and all minutes be retained in confidence | <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 prejudice the commercial position of the Council</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</p> | Retained in confidence until settlement of the purchase of the subject land parcel by council has occurred or such lesser period as may be determined by the Chief Executive Officer. | 3 Oct 23         | Within 12 months |               |



**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><u>Section 91(7) Order</u></p> <p>That having considered the Agenda Item 18.1 titled Strategic Land Purchase Option 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, attached documents and all minutes be retained in confidence until settlement of the purchase of the subject land parcel by council has occurred or such lesser period as may be determined by the Chief Executive Officer.</p> |  | 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 and in relation to other contract negotiations. |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|-------------|---|---|---|--|--|------------------|------------------|---------------|
| 181 | 4 July 2022 | Strategic Land Purchase for Recreation and Grant Submission | <p><u>Pursuant to Section 90(3)(b)</u><br/>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, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, Acting General Manager Community Services, General Manager Planning and Community, General Manager Corporate Services, Acting Manager Strategic and Community Planning, Manager Financial Services, Risk and Governance Officer and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.2 titled Strategic Purchase of Land for Recreation and Grant Submission.</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 prejudice the commercial position of the Council</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 and in relation to other contract negotiations.</p> | Council report, related documents and all minutes be retained in confidence | <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 prejudice the commercial position of the Council</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</p> | Retained in confidence until settlement of the purchase of the subject land by council has occurred or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><b><u>Section 91(7) Order</u></b></p> <p><u>Pursuant to Section 90 (3) (b)</u></p> <p>That having considered Agenda Item 18.2 Strategic Purchase of Land for Recreation and Grant Submission 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 all minutes be retained in confidence until settlement of the purchase of the subject land by council has occurred or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |  | 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 and in relation to other contract negotiations. |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|---------------|-------------------------|--|--|---|--|------------------|------------------|---------------|
| 182 | 1 August 2022 | Recycled Water Strategy | <p><b>Section 90 (3) (d) Order</b><br/> <u>Pursuant to Section 90(3)(d)</u></p> <p>1. Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer; Deputy Chief Executive Officer/General Manager Wastewater/Recycled Water; General Manager Infrastructure; Executive Manager to the Chief Executive Officer; General Manager Planning and Community; General Manager Corporate Services, Executive Officer to the SSRP Board and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Recycled Water Strategy .</p> <p>The Council is satisfied that pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda item are is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to :</p> <ul style="list-style-type: none"> <li>- prejudice the commercial position of the person who supplied the information as recent consultation has been undertaken with potential recycled water customers; or</li> <li>- to confer a commercial advantage on a third party.</li> </ul> <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 the continued non-disclosure of the 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 this information may result in a competitor receiving the information to the detriment of the developer / tender etc.</p> | Council report, attachment and all minutes be retained in confidence | <p>The Council is satisfied that pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda item are is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to :</p> <ul style="list-style-type: none"> <li>- prejudice the commercial position of the person who supplied the information as recent consultation has been undertaken with potential recycled water customers; or</li> <li>- to confer a commercial advantage on a third party.</li> </ul> <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</p> | Retained in confidence until 12 months after the adoption at a council meeting of the Recycled Water Strategy or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><b><u>Section 91(7) Order</u></b><br/> Pursuant to Section 91(7)</p> <p>2. That having considered Agenda Item 18.1 Recycled Water Strategy in confidence under 90(2) and 3(d) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the Council report, attachment and all minutes be retained in confidence until 12 months after the adoption at a council meeting of the Recycled Water Strategy or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |  | <p>public interest in the continued non-disclosure of the 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 this information may result in a competitor receiving the information to the detriment of the developer / tender etc.</p> |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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                                    |
|-----|------------------|---|---|--|---|--|------------------|------------------|--|
| 183 | 5 September 2022 | Summit Sport and Recreation Park Board Review | <p><b>Section 90 (3) (a) Order</b></p> <p>1. Pursuant to <u>Section 90(3)(a)</u> Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects, Wastewater/Recycled Water, General Manager Corporate Services, General Manager Planning and Community, General Manager Infrastructure, Manager Financial Services, Manager Strategic Projects &amp; Economic Development Manager, Risk &amp; Governance Officer and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Summit Sport and Recreation Park Board (SSRP) Review.</p> <p>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 members of the SSRP Board, in that details of the Board Members' performance will be discussed, which are sensitive and are details only known to those who have participated in the review process.</p> <p>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</p> | <p>This agenda item and Attachment 1 Confidential – ISC Summit Sport and Recreation Park Board Two Year Review of the Board, Governance and Operating Model be retained in confidence until 5 September 2024 or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months; and</p> <p>Attachment 2 Public Version – ISC Summit Sport and Recreation Park Board Two Year Review of the Board, Governance and Operating Model, be made publicly available via the council's</p> | <p>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 members of the SSRP Board, in that details of the Board Members' performance will be discussed, which are sensitive and are details only known to those who have participated in the review process.</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been</p> | <p>This agenda item and Attachment 1 Confidential – ISC Summit Sport and Recreation Park Board Two Year Review of the Board, Governance and Operating Model be retained in confidence until 5 September 2024 or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months; and</p> <p>Attachment 2 Public Version – ISC Summit Sport and Recreation Park Board Two Year Review of the Board, Governance and Operating Model, be made publicly available via the council's website two weeks following the provision of this report to the SSRP Board.</p> | 3 Oct 23         | Within 12 months | Attachment 2 released on website 7 November 2022 |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|----------------------------|--|---|-----------------------------|------------------|------------------|---------------|
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|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|
|  |  |  | <p>because of details of the Board Members' performance.</p> <p><u>Pursuant to Section 91(7)</u></p> <p>That having considered Agenda Item 18.1 Summit Sport and Recreation Park Board (SSRP) Review in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that:</p> <p>a) this agenda item and Attachment 1 Confidential – ISC Summit Sport and Recreation Park Board Two Year Review of the Board, Governance and Operating Model be retained in confidence until 5 September 2024 or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months; and</p> <p>b) Attachment 2 Public Version – ISC Summit Sport and Recreation Park Board Two Year Review of the Board, Governance and Operating Model, be made publicly available via the council's website two weeks following the provision of this report to the SSRP Board.</p> | <p>website two weeks following the provision of this report to the SSRP Board.</p> | <p>outweighed in the circumstances because of details of the Board Members' performance.</p> |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|------------------|----------------------------------|--|--|--|---|------------------|------------------|---------------|
| 184 | 5 September 2022 | Mount Barker City Centre Project | <p><b><u>Section 90 (3) (b) Order</u></b></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 Chief Executive Officer, Deputy CEO, General Manager Infrastructure, General Manager Planning &amp; Community, General Manager Corporate Services, Manager Financial Services, Manager Strategic Projects and Economic Development and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Confidential: Mount Barker City Centre Project</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:</p> <ul style="list-style-type: none"> <li>- conducting business; and</li> <li>- proposing to conduct business; and</li> <li>- would prejudice the commercial position of the Council</li> </ul> <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 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</p> | Council report, attachments, related documents and all minutes be retained in confidence | <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:</p> <ul style="list-style-type: none"> <li>- conducting business; and</li> <li>- proposing to conduct business; and</li> <li>- would prejudice the commercial position of the Council</li> </ul> <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</p> | Retained in confidence until 31 August 2027 or earlier other than information that is required for consultation with the community as determined by the Chief Executive Officer, and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |



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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 |
|---|------|------------|--|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>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.</p> <p>7. <u>Pursuant to Section 90 (3) (b)</u><br/>That having considered Agenda Item 18.2 Confidential: Mount Barker City Centre Project 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, attachments, related documents and all minutes be retained in confidence until 31 August 2027 or earlier other than information that is required for consultation with the community as determined by the Chief Executive Officer, and that this order be reviewed every 12 months.</p> |  | <p>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</p> |                             |                  |                  |               |

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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 |
|---|------|------------|----------------------------|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            |                            |  | any potential proponent.                                  |                             |                  |                  |               |

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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  |
|-----|------------------|---|---|--|--|---|------------------|------------------|--|
| 185 | 5 September 2022 | Chief Executive Officer's Performance Review 2022 | <p><b><u>Section 90 (3) (a) Order</u></b><br/> 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 and staff with the exception of the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.3.</p> <p>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 which are sensitive and are details only known to those who have participated in the review process.</p> <p>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.</p> <p><b><u>Section 91(7) Order</u></b><br/> 6. After having considered Agenda Item 18.2 Chief Executive Officer's Performance Review 2022 in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the agenda item, attachments and minutes be retained in confidence until the Chief Executive Officer has been formally advised of Council's decision, after which the agenda item (excluding the five</p> | Agenda item, attachments and minutes be retained in confidence | 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 which are sensitive and are details only known to those who have participated in the review process. | Retained in confidence until the Chief Executive Officer has been formally advised of Council's decision, after which the agenda item (excluding the five confidential attachments) and minute will be released, and the five confidential attachments will be retained in confidence until determined by the Chief Executive Officer that they be released, and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months | <i>Report, Minutes and Attachments will be released on website in October 2023</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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | confidential attachments) and minute will be released, and the five confidential attachments will be retained in confidence until determined by the Chief Executive Officer that they be released, and that this order be reviewed every 12 months. |  | outweighed in the circumstances because the disclosure of details of the Chief Executive Officer's performance may prematurely be disclosed |                             |                  |                  |               |

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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 |
|-----|-----------------|--|--|--|--|---|------------------|------------------|---------------|
| 186 | 7 November 2022 | Totness Tripartite Infrastructure Deed - Administrative Update | <p><b><u>Section 90 (3) (d) Order</u></b></p> <p><b><u>Pursuant to Section 90(3)(d)</u></b></p> <p>1. 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; Deputy Chief Executive Officer/General Manager, Governance; Acting General Manager, Planning and Community; General Manager, Infrastructure; General Manager, Corporate Services; and the Minute Secretary to be excluded from attendance at the meeting for Agenda Item 18.1 Totness Tripartite Infrastructure Deed Administrative Update.</p> <p>The Council is satisfied that pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this agenda item includes commercial information of a confidential nature that has been provided to council on a commercial in confidence basis (not being a trade secret) the disclosure of which could reasonably be expected to :</p> <ul style="list-style-type: none"> <li>• prejudice the commercial position of the person who supplied the information or</li> <li>• to confer a commercial advantage on a third party.</li> </ul> <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 the non-disclosure of the information at this time. The benefit to the public at large</p> | Report, attachment and all minutes                         | <p>The Council is satisfied that pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this agenda item includes commercial information of a confidential nature that has been provided to council on a commercial in confidence basis (not being a trade secret) the disclosure of which could reasonably be expected to :</p> <ul style="list-style-type: none"> <li>• prejudice the commercial position of the person who supplied the information or</li> <li>• to confer a commercial advantage on a third party.</li> </ul> <p>In addition, the disclosure of this information would, on balance, be</p> | Retained in confidence until 7 February 2023 or such lesser period as may be determined by the Chief Executive Officer. | 3 Oct 23         | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>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 including the reputation of council in dealing with developer/investors without compromising their commercial in confidence information given the impact that could have.</p> <p><b><u>Section 91(7) Order</u></b></p> <p><u>Pursuant to Section 91(7)</u><br/> 5. That having considered Agenda Item 18.1 Totness Tripartite Infrastructure Deed Administrative Update in confidence under 90(2) and 3(d) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the Council report, attachment and all minutes be retained in confidence until 7 February 2023 or such lesser period as may be determined by the Chief Executive Officer.</p> |  | <p>contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the non-disclosure of the information at this time. 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 including the reputation of council in dealing with developer/investors without compromising their commercial in confidence information given the impact that could have.</p> |                             |                  |                  |               |

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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 |
|-----|-----------------|----------------------------|--|--|--|---|------------------|------------------|---------------|
| 187 | 7 November 2022 | Deed with Hillgrove Copper | <p><b><u>Section 90 (3) (g) Order</u></b></p> <p>1. <u>Pursuant to Section 90(3)(g)</u><br/>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; Deputy Chief Executive Officer/General Manager, Governance; Acting General Manager, Planning and Community; General Manager, Infrastructure; General Manager, Corporate Services; and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Deed with Hillgrove Copper.</p> <p>The Council is satisfied that pursuant to Section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this agenda item is information concerning matters that must be considered in confidence in order to ensure that the Council does not:</p> <ul style="list-style-type: none"> <li>• breach any duty of confidence, or</li> <li>• breach any other legal obligation in that the attached Deed includes a confidentiality clause.</li> </ul> <p>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 due to the confidentiality clause in the attached Deed.</p> <p><b><u>Section 91(7) Order</u></b></p> <p>3. <u>Pursuant to Section 91(7)</u><br/>That having considered Agenda Item 18.2 Deed with Hillgrove Copper in confidence under 90(2) and 3(g) of the Local</p> | Report, attachment and all minutes                         | <p>The Council is satisfied that pursuant to Section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this agenda item is information concerning matters that must be considered in confidence in order to ensure that the Council does not:</p> <ul style="list-style-type: none"> <li>• breach any duty of confidence, or</li> <li>• breach any other legal obligation in that the attached Deed includes a confidentiality clause.</li> </ul> <p>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 due to the</p> | Remain confidential until permission to release the attached Deed is obtained from Hillgrove Copper Pty Ltd, or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

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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 |
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|--|--|--|---|--|--|--|--|--|--|
|  |  |  | Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the discussion, report, attachment and all minutes should remain confidential until permission to release the attached Deed is obtained from Hillgrove Copper Pty Ltd, or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. |  | confidentiality clause in the attached Deed. |  |  |  |  |
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**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|------------------|---|--|--|---|---|------------------|------------------|---------------|
| 188 | 12 December 2022 | Upgrade of the Mount Barker Wastewater Treatment Plant Stage 1 - Expressions of Interest and name | <p><b>Section 90 (3) (k) Order</b><br/> <u>Pursuant to Section 90(3)(k)</u><br/>           1. 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; Deputy Chief Executive Officer/General Manager Governance and Strategic Projects; General Manager Infrastructure; General Manager Planning and Community Services; General Manager, Corporate Services, Head of Wastewater, Program Manager Wastewater, Team Leader Waste Water Operations, Manager Financial Services and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 5.2 Upgrade of the Mount Barker wastewater treatment plant stage 1 - expressions of interest and name.</p> <p>The Council is satisfied that pursuant to Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda item are tenders for the provision of services.</p> <p>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 information to be disclosed and discussed has the potential to impact adversely on the integrity of the procurement process.</p> | Report, tender documents and all minutes                   | <p>The Council is satisfied that pursuant to Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda item are tenders for the provision of services.</p> <p>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 information to be disclosed and discussed has the potential to impact adversely on the integrity of the procurement process.</p> | Retained in confidence, with the exception of the name of the new facility, until contracts have been executed by the tenderers invited to proceed to the next phase of the procurement process being the Early Contractor Involvement phase. | 3 Oct 23         | Within 12 months |               |

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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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><b><u>Section 91(7) Order</u></b><br/> <u>Pursuant to Section 91(7)</u></p> <p>4. That having considered Agenda Item 5.2 Upgrade of the Mount Barker wastewater treatment plant stage 1 - expressions of interest and name in confidence under 90(2) and 3(k) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report, tender documents and all minutes be retained in confidence, with the exception of the name of the new facility, until contracts have been executed by the tenderers invited to proceed to the next phase of the procurement process being the Early Contractor Involvement phase.</p> <p>This order is subject to Section 91(8)(b) of the Act which provides that details of the identity of the successful tenderer/s must be released once Council has made a selection. In addition, Section 91(8)(ba) of the Act requires details of the amount(s) payable by the Council under a contract for the provision of the early contractor involvement phase must be released once the contract has been executed by all of the concerned parties.</p> |  |   |                             |                  |                  |               |

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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 |
|-----|------------------|---|---|---|--|---|------------------|------------------|---------------|
| 191 | 21 December 2022 | SSRP Board ISC Governance And Operations Review | <p><b><u>Section 90 (3) (a) Order</u></b></p> <p>1. Pursuant to Section 90(3)(a) Pursuant to Section 90(2) of the Local Government Act 1999 the Board orders that all members of the public except Executive Manager to the Chief Executive Officer and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.1 SSRP Board Review.</p> <p>The Board 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 members of the SSRP Board, in that details of the Board Members' performance will be discussed, which are sensitive and are details only known to those who have participated in the review process.</p> <p>The Board is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because of details of the Board Members' performance.</p> <p><b><u>Section 91(7) Order</u></b></p> <p>4. Pursuant to Section 91(7) That having considered Agenda Item Agenda Item 12.1 SSRP Board Review in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Board</p> | Agenda item; Attachment 1 Confidential – ISC Summit Sport and Recreation Park Board Two Year Review of the Board, Governance and Operating Model and Attachment 2 Board Response to ISC Governance Review | The Board 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 members of the SSRP Board, in that details of the Board Members' performance will be discussed, which are sensitive and are details only known to those who have participated in the review process. | a) this agenda item; Attachment 1 Confidential – ISC Summit Sport and Recreation Park Board Two Year Review of the Board, Governance and Operating Model and Attachment 2 Board Response to ISC Governance Review be retained in confidence until 5 September 2024 or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

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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 |
|---|------|------------|---|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>pursuant to Section 91(7) of the Act orders that:</p> <p>a) this agenda item; Attachment 1 Confidential – ISC Summit Sport and Recreation Park Board Two Year Review of the Board, Governance and Operating Model and Attachment 2 Board Response to ISC Governance Review be retained in confidence until 5 September 2024 or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |  | <p>outweighed in the circumstances because of details of the Board Members' performance.</p> |                             |                  |                  |               |

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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 |
|-----|------------------|---------------------|---|--|--|---|------------------|------------------|---------------|
| 192 | 21 December 2022 | AFL Game Discussion | <p>1. Pursuant to Section 90(3)(b) Pursuant to Section 90(2) of the Local Government Act 1999 the Board orders that all members of the public except Executive Manager to the Chief Executive Officer and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.2 AFL Game Discussion.</p> <p>The Board 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:</p> <ul style="list-style-type: none"> <li>- conducting business; or 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 severely prejudice Council's ability to be able to negotiate a cost-effective proposal</li> </ul> | Verbal update and all minutes be retained in confidence    | <p>The Board 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:</p> <ul style="list-style-type: none"> <li>- conducting business; or 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</li> </ul> | Verbal update and all minutes be retained in confidence until the Board has executed an agreement and determined the confidential provisions surrounding that agreement or such lesser period as may be determined by the Chief Executive Officer. This order will be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>for the benefit of the Council and the community in this matter and in relation to other contract negotiations.</p> <p><b><u>Section 91(7) Order</u></b></p> <p>2. <u>Pursuant to Section 90(3)(b)</u><br/>That having considered Agenda Item 12.2 AFL Game Discussion, in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Board pursuant to Section 91(7) of the Act orders that the verbal update and all minutes be retained in confidence until the Board has executed an agreement and determined the confidential provisions surrounding that agreement or such lesser period as may be determined by the Chief Executive Officer. This order will be reviewed every 12 months.</p> |  | <p>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 severely prejudice Council's ability to be able to</p> |                             |                  |                  |               |

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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 |
|---|------|------------|----------------------------|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            |                            |  | negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations. |                             |                  |                  |               |

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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 |
|-----|-----------------|--|---|--|--|---|------------------|------------------|---------------|
| 193 | 16 January 2023 | Summit Sport and Recreation Park Board | <p><b><u>Section 90 (3) (a) Order</u></b></p> <p>1. <u>Pursuant to Section 90(3)(a)</u><br/>Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Acting Chief Executive Officer; Acting Deputy Chief Executive Officer; General Manager Corporate Services; General Manager Planning and Community; General Manager Infrastructure; Head of Wastewater; and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Summit Sport and Recreation Park Board.</p> <p>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 includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of members of the SSRP Board, specifically the Board Members' performance, which are sensitive and are details only known to those who have participated in the SSRP Board review process.</p> <p>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 of the information on the performance of Board Members.</p> <p>Section 91(7) Order</p> <p>2. Pursuant to Section 91(7)<br/>That having considered Agenda Item 18.1 Summit Sport and Recreation Park Board in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to</p> | Documents and all minutes                                  | <p>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 includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of members of the SSRP Board, specifically the Board Members' performance, which are sensitive and are details only known to those who have participated in the SSRP Board review process.</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been</p> | That the documents and all minutes be retained in confidence until 5 September 2024 or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months, except for the notification to the Summit Sport and Recreation Park Board (Council Committee) as to the resolutions of Council contained in this item. | 3 Oct 23         | Within 12 months |               |



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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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | Section 91(7) of the Act orders that the documents and all minutes be retained in confidence until 5 September 2024 or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months, except for the notification to the Summit Sport and Recreation Park Board (Council Committee) as to the resolutions of Council contained in this item. |  | outweighed in the circumstances because of the information on the performance of Board Members. |                             |                  |                  |               |

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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 |
|-----|-----------------|---|--|---|---|---|------------------|------------------|---------------|
| 195 | 6 February 2023 | Appointment of Independent Members to the Adelaide Hills Region Waste Management Authority Audit and Risk Committee | <p>1. Pursuant to Section 90(3)(a) Orders that all member of the public except the Chief Executive Officer; Deputy Chief Executive Officer; General Manager Infrastructure, General Manager Planning and Community, General Manager Corporate Services; Executive Manager to the Chief Executive Officer, Head of Wastewater, Strategic Property and Projects Manager, and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Confidential: Appointment of Independent Members to the AHRWMA Audit and Risk Committee. 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 report is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of people who expressed interest in membership of the AHRWMA Audit and Risk Committee.</p> <p>Council is satisfied that the principle that the report be available in a place open to the public has been outweighed in the circumstance because the disclosure of details relating to personal information of people who expressed an interest in membership of the Committee including the role of Chairperson will be discussed.</p> <p>Section 91 (1) Order<br/>3. Pursuant to Section 91(7)<br/>That having considered the report Appointment of three Independent Members to the AHRWMA Audit and Risk Committee in confidence under Sections 90(2) and 90(3)(a) of the Local Government Act 1999, Council pursuant to Section 91(7) of the Act orders that the report and minutes be retained in</p> | That the report and minutes be retained in confidence until the successful applicants and unsuccessful applicants have been advised of the AHRWMA Constituent Councils' decision. | Council is satisfied that the principle that the report be available in a place open to the public has been outweighed in the circumstance because the disclosure of details relating to personal information of people who expressed an interest in membership of the Committee including the role of Chairperson will be discussed. | That the report and minutes be retained in confidence until the successful applicants and unsuccessful applicants have been advised of the AHRWMA Constituent Councils' decision. | 3 Oct 23         | Within 12 months |               |

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|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | confidence until the successful applicants and unsuccessful applicants have been advised of the AHRWMA Constituent Councils' decision. |  |   |                             |                  |                  |               |

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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 |
|-----|-----------------|------------------------------------|---|--|---|---|------------------|------------------|---------------|
| 196 | 6 February 2023 | Sale of Council Land, Mount Barker | <p><b><u>Section 90(3)(b) Order</u></b></p> <p>1. <u>Pursuant to Section 90(3)(b)</u><br/>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, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, Executive Manager to the CEO, General Manager Planning and Community, General Manager Corporate Services, Strategic Property and Projects Manager, Head of Wastewater and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.2 titled Sale Of Council (Ex-Quarry) Land, Mt Barker.</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 prejudice the commercial position of the Council</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</p> | Council report, attached documents and all minutes be retained in confidence | <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 prejudice the commercial position of the Council</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</p> | That the council report, attached documents and all minutes be retained in confidence until settlement of the sale of the subject land by council has occurred. | 3 Oct 23         | Within 12 months |               |

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|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>Council's ability to be able to negotiate a competitive sale price for the benefit of the Council and the community in this matter.</p> <p><b>Section 91(7) Order</b></p> <p>5. That having considered the Agenda Item 18.2 titled Sale Of Council (Ex-Quarry) 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, attached documents and all minutes be retained in confidence until settlement of the sale of the subject land by council has occurred.</p> |  | <p>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 competitive sale price for the benefit of the Council and the community in this matter.</p> |                             |                  |                  |               |

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|-----|-----------------|--|--|--|--|---|------------------|------------------|---------------|
| 197 | 8 February 2023 | SSRP Board - Executive Officer Update – ISC Review and AFL Match | <p><b><u>Section 90 (3) (a) (b) Order</u></b></p> <p>1. <u>Pursuant to Section 90(3)(a)(b)</u></p> <p>Pursuant to Section 90(2) of the Local Government Act 1999 the Summit Sport and Recreation Park Board (the Board) orders that all members of the public except Executive Officer to the SSRP Board, General Manager Corporate Services, Manager Financial Services, the Mayor and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.1 Executive Officer Update - ISC Review and AFL Match.</p> <p>The Board 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 SSRP Board , in that details of the ISC Review will be discussed, which are sensitive and are details only known to those who have participated in the review process.</p> <p>The Board 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 Board is conducting commercial 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</p> | Verbal update and all minutes be retained in confidence    | <p>The Board 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 SSRP Board , in that details of the ISC Review will be discussed, which are sensitive and are details only known to those who have participated in the review process.</p> <p>The Board is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this</p> | That the verbal update and all minutes be retained in confidence until the Board has executed an agreement and determined the confidential provisions surrounding that agreement or such lesser period as may be determined by the Chief Executive Officer. | 3 Oct 23         | Within 12 months |               |

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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 |
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|   |      |            | <p>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 Board 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 the Board's commercial position may severely prejudice the Board's ability to be able to negotiate a cost-effective proposal for the benefit of the Board, Council and the community in this matter and in relation to other contract negotiations.</p> <p><b><u>Section 91(7) Order</u></b></p> <p>2. <u>Pursuant to Section 90 (3) (a) (b)</u><br/>That having considered Agenda Item Agenda Item 12.1 Executive Officer Update - ISC Review and AFL Match in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Board pursuant to Section 91(7) of the Act orders that the verbal update and all minutes be retained in confidence until the Board has executed an agreement and determined the confidential provisions surrounding that agreement or such lesser period as may be determined by the Chief Executive Officer. This order will be reviewed every 12 months.</p> |  | Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Board is conducting commercial negotiations. |                             |                  |                  |               |

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|-----|------------------|--|--|--|---|--|------------------|------------------|---------------|
| 198 | 23 February 2023 | Audit and Risk Committee – Regional Aquatic and Leisure Centre – Prudential Report | <p><b>Pursuant to Section 90(3)(b)</b></p> <p>1. Pursuant to Section 90(2) of the Local Government Act 1999 the Audit and Risk Committee orders that all members of the public except Deputy Chief Executive Officer, General Manager Planning &amp; Community, General Manager Corporate Services, Manager Financial Services, Manager Strategic Projects and Economic Development, Minute Secretary, Senior Project Manager, Chief Executive Officer (via Zoom), Mayor, and Mark Booth (Director, BRM Advisory) be excluded from attendance at the meeting for Agenda 12.1 (Regional Aquatic &amp; Leisure Centre – Prudential Report).</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 proposing to conduct business and would prejudice the commercial position of the Council.</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</p> | Agenda Item and the attachment and all minutes             | <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 proposing to conduct business and would prejudice the commercial position of the Council.</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</p> | The Agenda Item and the attachment and all minutes be retained in confidence until council determines that this information is able to be publicly released. | 3 Oct 23         | Within 12 months |               |



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|   |      |            | <p>Council's commercial position may severely 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 and in relation to other contract negotiations.</p> <p>9. <b><u>Pursuant to Section 90 (3) (b)</u></b><br/>That having considered for Agenda 12.1 (Regional Aquatic &amp; Leisure Centre – Prudential Report), in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Audit and Risk Committee pursuant to Section 91(7) of the Act orders that the Agenda Item and the attachment and all minutes be retained in confidence until council determines that this information is able to be publicly released.</p> |  | <p>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 severely 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 and in relation to other contract negotiations.</p> |                             |                  |                  |               |

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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 |
|-----|--------------|--|---|--|--|--|------------------|------------------|---------------|
| 199 | 6 March 2023 | SSRP Board Review and Proposed Governance of the Summit Precinct | <p><b><u>Section 90 (3) (a) Order</u></b></p> <p>1. <u>Pursuant to Section 90(3)(a)</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; Deputy Chief Executive Officer/General Manager Governance, Strategic Projects, Wastewater/Recycled Water; General Manager Corporate Services; General Manager Planning and Community; Executive Manager to the Chief Executive Officer; General Manager Infrastructure; and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Summit Sport and Recreation Park Board and Proposed Governance of the Summit Precinct.</p> <p>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 includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of members of the SSRP Board, specifically the Board Members' performance, which are sensitive and are details only known to those who have participated in the SSRP Board review process.</p> <p>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 of the information on the performance of Board Members.</p> <p><b><u>Section 91(7) Order</u></b></p> <p>5. <u>Pursuant to Section 91(7)</u></p> | Documents and all minutes be retained in confidence        | <p>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 includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of members of the SSRP Board, specifically the Board Members' performance, which are sensitive and are details only known to those who have participated in the SSRP Board review process.</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been</p> | <p>The documents and all minutes be retained in confidence until 6 June 2023 or such lesser period as may be determined by the Chief Executive Officer except for the immediate release of the adopted SSRP Board Terms of Reference for publication and that the SSRP Board are notified of Council's decision.</p> | 3 Oct 23         | Within 12 months |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| # | 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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | That having considered Agenda Item 18.1 Summit Sport and Recreation Park Board and Proposed Governance of the Summit Precinct in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the documents and all minutes be retained in confidence until 6 June 2023 or such lesser period as may be determined by the Chief Executive Officer except for the immediate release of the adopted SSRP Board Terms of Reference for publication and that the SSRP Board are notified of Council's decision. |  | outweighed in the circumstances because of the information on the performance of Board Members. |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|--------------|---|--|--|--|---|------------------|------------------|---------------|
| 200 | 6 March 2023 | Confidential SSRP Board Review and Proposed Governance of the Summit Precinct | <p><b><u>Section 90 (3) (a) Order</u></b></p> <p>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 except the Chief Executive Officer; Deputy Chief Executive Officer/General Manager Governance, Strategic Projects, Wastewater/Recycled Water; General Manager Corporate Services; General Manager Planning and Community; Executive Manager to the Chief Executive Officer; General Manager Infrastructure; and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.3 Summit Sport and Recreation Park Board and Proposed Governance of the Summit Precinct.</p> <p>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 includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of members of the SSRP Board, specifically the Board Members' performance, which are sensitive and are details only known to those who have participated in the SSRP Board review process.</p> <p>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 of the information on the performance of Board Members.</p> | The documents and all minutes be retained in confidence    | <p>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 includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of members of the SSRP Board, specifically the Board Members' performance, which are sensitive and are details only known to those who have participated in the SSRP Board review process.</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the</p> | The documents and all minutes be retained in confidence until 6 June 2023 or such lesser period as may be determined by the Chief Executive Officer except for the immediate release of the adopted SSRP Board Terms of Reference for publication and that the SSRP Board are notified of Council's decision. | 3 Oct 23         | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><b><u>Section 91(7) Order</u></b></p> <p>3. <u>Pursuant to Section 91(7)</u></p> <p>That having considered Agenda Item 18.3 Summit Sport and Recreation Park Board and Proposed Governance of the Summit Precinct in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the documents and all minutes be retained in confidence until 6 June 2023 or such lesser period as may be determined by the Chief Executive Officer except for the immediate release of the adopted SSRP Board Terms of Reference for publication and that the SSRP Board are notified of Council's decision.</p> |  | public has been outweighed in the circumstances because of the information on the performance of Board Members. |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|--------------|--|--|--|--|---|------------------|------------------|---------------|
| 201 | 6 March 2023 | Confidential Regional Aquatic and Leisure Centre – Prudential Report | <p><b><u>Section 90 (3) (b) Order</u></b></p> <p><u>Pursuant to Section 90(3)(i)</u></p> <p>1. 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; Deputy Chief Executive Officer/General Manager Governance and Strategic Projects; General Manager Infrastructure; General Manager Planning and Community Services; General Manager, Corporate Services and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.4 Regional Aquatic &amp; Leisure Centre Prudential Report - Audit and Risk Committee Recommendations.</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 proposing to conduct business and would prejudice the commercial position of the Council.</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</p> | Agenda Item and the attachment and all minutes be retained in confidence | <p>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 includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of members of the SSRP Board, specifically the Board Members' performance, which are sensitive and are details only known to those who have participated in the SSRP Board review process.</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the</p> | The Agenda Item and the attachment and all minutes be retained in confidence until a contract for the design and construction of the Regional Aquatic & Leisure Centre has been executed. | 3 Oct 23         | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>Council's commercial position may severely 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 and in relation to other contract negotiations.</p> <p>Section 91(7) Order</p> <p>9. having considered Agenda 18.4 Regional Aquatic &amp; Leisure Centre Prudential Report - Audit and Risk Committee Recommendations, in confidence under 90(2) and (3)(b) of the Local Government Act 1999, and pursuant to Section 91(7) of the Act, orders that the Agenda Item and the attachment and all minutes be retained in confidence until a contract for the design and construction of the Regional Aquatic &amp; Leisure Centre has been executed.</p> |  | public has been outweighed in the circumstances because of the information on the performance of Board Members. |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|--------------|--|---|--|---|-----------------------------|------------------|------------------|---------------|
| 202 | 3 April 2023 | Confidential Item: Wastewater Infrastructure | <p><b><u>Section 90 (3) (b) Order</u></b></p> <p>1. <u>Pursuant to Section 90(3)(b)</u><br/>Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, Executive Manager to the CEO, General Manager Planning and Community, A/g General Manager Corporate Services, Head of Wastewater, Manager Water Capital Delivery, the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Wastewater Infrastructure Capital Contribution For Service Upgrade.</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:</p> <ul style="list-style-type: none"> <li>- proposing to conduct business; and</li> <li>- would prejudice the commercial position of the Council</li> </ul> <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</p> | Council report, related documents and all minutes          | Retained in confidence until formal (binding) arrangements for the project are in place between council and the developer of 64 Alexandrina Road or such lesser period as may be determined by the Chief Executive Officer. |                             | 3 Oct 23         | Within 12 months |               |



# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>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><b><u>Section 91(7) Order</u></b></p> <p>4. <u>Pursuant to Section 90 (3) (b)</u><br/>That having considered Agenda Item 18.1 Wastewater Infrastructure Capital Contribution For Service Upgrade, 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 all minutes be retained in confidence until formal (binding) arrangements for the project are in place between council and the developer of 64 Alexandrina Road or such lesser period as may be determined by the Chief Executive Officer.</p> |  |   |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|-------------|---|---|--|---|--|------------------|------------------|---------------|
| 203 | 18 May 2023 | Hills Football League Licence Agreement | <p><b><u>Section 90 (3) (B) Order</u></b></p> <p>1. Pursuant to Section 90(3)(b) Pursuant to Section 90(2) of the Local Government Act 1999 the Board orders that all members of the public except Executive Manager to the Chief Executive Officer, Mayor, Cr Voogt, Manager Community Property and Facilities, Venue Coordinator and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.1 Hills Football League License Agreement.</p> <p>The Board 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 Board is: conducting business; or would prejudice the commercial position of the Board 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 Board 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 the Board's commercial position may severely prejudice the Board's ability to be able to negotiate a cost-effective proposal for the benefit of the Board and the community in this matter and in relation to other contract negotiations.</p> | Report, related documents and all minutes                  | 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 Board 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 the Board's commercial position may severely prejudice the Board's ability to be able to negotiate a cost-effective proposal for the benefit of the Board and the community in this matter and in | Remain confidential until licence negotiations are complete or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

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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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><b><u>Section 91(7) Order</u></b></p> <p>2. <b><u>Pursuant to Section 90 (3) (b)</u></b></p> <p>That having considered Agenda Item 12.1 Hills Football League License Agreement, in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Board pursuant to Section 91(7) of the Act orders that the Board report, related documents and all minutes be retained in confidence except for the provision of notification of the Board's resolution to the Hills Football League, and that all other information will remain confidential until licence negotiations are complete or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |  | relation to other contract negotiations.                  |                             |                  |                  |               |

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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 |
|-----|-------------|---|---|--|---|--|------------------|------------------|---------------|
| 204 | 18 May 2023 | Alexandrina and Eastern Hills Cricket Association Licence Agreement | <p><b><u>Section 90 (3) (B) Order</u></b></p> <p>1. <b><u>Pursuant to Section 90(3)(b)</u></b></p> <p>Pursuant to Section 90(2) of the Local Government Act 1999 the Board orders that all members of the public except Executive Manager to the Chief Executive Officer, Mayor, Cr Voogt, Manager Community Property and Facilities, Venue Coordinator and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.2 Alexandra and Eastern Hills Cricket Association Licence Agreement.</p> <p>The Board 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 Board is: conducting business; or would prejudice the commercial position of the Board 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 Board 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 the Board's commercial position may severely prejudice the Board's ability to be able to negotiate a cost-effective proposal for the benefit of the Board and the</p> | Report, related documents and all minutes                  | 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 Board 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 the Board's commercial position may severely prejudice the Board's ability to be able to negotiate a cost-effective proposal for the benefit of the Board and the community in this | Remain confidential until licence negotiations are complete or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months. | 3 Oct 23         | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>community in this matter and in relation to other contract negotiations.</p> <p>Section 91(7) Order</p> <p>2. Pursuant to Section 90 (3) (b) That having considered Agenda Item 12. 2 Alexandra and Eastern Hills Cricket Association Licence Agreement, in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Board pursuant to Section 91(7) of the Act orders that the Board report, related documents and all minutes be retained in confidence except for the provision of notification of the Board's resolution to Alexandra and Eastern Hills Cricket Association, and that all other information will remain confidential until licence negotiations are complete or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |  | <p>matter and in relation to other contract negotiations.</p> |                             |                  |                  |               |

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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 |
|-----|-------------|--------------------------------------|---|--|---|--|------------------|------------------|---------------|
| 205 | 5 June 2023 | Confidential Item: Event Opportunity | <p><u>Pursuant to Section 90(3)(i)</u></p> <p>1. 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; Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water; Executive Manager to the CEO General Manager Infrastructure; General Manager Planning and Community; General Manager Corporate Services; and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Event Opportunity .</p> <p>The Council is satisfied that pursuant to Section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would divulge information provided on a confidential basis by a Minister of the Crown, or another public authority or official.</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 of the request from a public authority for confidentiality for a limited period of time.</p> | Council report, related documents and all minutes          | <p>The Council is satisfied that pursuant to Section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would divulge information provided on a confidential basis by a Minister of the Crown, or another public authority or official.</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</p> | Retained in confidence until the formal launch/announcement by of the event opportunity or such lesser period as may be determined by the Chief Executive Officer. | 3 Oct 23         | Within 12 months |               |

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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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>3. Pursuant to Section 90 (3) (i) That having considered Agenda Item 18.1 Event Opportunity in confidence under 90(2) and (3)(j) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the council report, related documents and all minutes be retained in confidence until the formal launch/announcement by of the event opportunity or such lesser period as may be determined by the Chief Executive Officer.</p> |  | <p>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 of the request from a public authority for confidentiality for a limited period of time.</p> |                             |                  |                  |               |

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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 |
|-----|---------------|---|---|--|--|--|------------------|------------------|---------------|
| 206 | 7 August 2023 | Confidential Strategic Purchase of Land | <p>1. <u>Pursuant to Section 90(3)(b)</u><br/>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, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, General Manager Planning and Community, General Manager Corporate Services, Executive Manager to the CEO, and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.1 titled Strategic Purchase of Land Opportunity.</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 prejudice the commercial position of the Council.</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-</p> | Report, related documents and all minutes                  | <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 prejudice the commercial position of the Council.</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</p> | Retained in confidence until the settlement of the purchase of the subject land by council has occurred 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 |               |



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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 |
|---|------|------------|---|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>effective proposal for the benefit of the Council and the community in this matter.</p> <p><u>Section 91(7) Order</u></p> <p>6. <u>Pursuant to Section 90 (3) (b)</u><br/>That having considered Agenda Item 18.1 Strategic Purchase of Land Opportunity 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 all minutes be retained in confidence until the settlement of the purchase of the subject land by council has occurred or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.</p> |  | <p>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> |                             |                  |                  |               |

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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 |
|-----|---------------|--|--|--|---|--|------------------|------------------|---------------|
| 207 | 7 August 2023 | Sale of Council Land for the New Ambulance Station in Mount Barker | <p>1. <u>Section 90 (3) (j) Order</u></p> <p>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; Deputy Chief Executive Officer/General Manager Governance and Strategic Projects; General Manager Infrastructure; General Manager Planning and Community; General Manager, Corporate Services, Executive Manager to the CEO and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Sale of Council Land for New Ambulance Station in Mount Barker.</p> <p>The Council is satisfied that pursuant to Section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would divulge information provided on a confidential basis by a State Government agency and would, on balance, at this time be contrary to the public interest.</p> <p>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.</p> <p><u>Pursuant to Section 91(7)</u></p> <p>7. That having considered Agenda Item 18.2 Sale of Council Land for New Ambulance Station in Mount Barker in confidence under 90(2) and 3(j) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report, documents and all minutes be retained in confidence until whichever is the latter of settlement of the land sale</p> | Report, documents and all minutes                          | <p>The Council is satisfied that pursuant to Section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would divulge information provided on a confidential basis by a State Government agency and would, on balance, at this time be contrary to the public interest.</p> <p>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.</p> | Retained in confidence until whichever is the latter of settlement of the land sale or finalisation of The Summit Expression of Interest process |                  | Within 12 months |               |

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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 |
|---|------|------------|---|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | or finalisation of The Summit Expression of Interest process. |  |   |                             |                  |                  |               |

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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 |
|-----|---------------|---|---|--|--|--|------------------|------------------|---------------|
| 208 | 9 August 2023 | Executive Officer Update – Licensees and Booking Activities | <p><b><u>Section 90 (3) (b) Order</u></b></p> <p>1. <u>Pursuant to Section 90(3)(b)</u></p> <p>Pursuant to Section 90(2) of the Local Government Act 1999 the Board orders that all members of the public except Executive Manager to the Chief Executive Officer and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.1 Executive Officer Update – Licensees and Booking Activities.</p> <p>The Board 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 Board is:</p> <p>conducting business; or<br/>proposing to conduct business; or</p> <p>would prejudice the commercial position of the Board</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 Board 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 the Board's commercial position may severely prejudice the Board's ability to be able to</p> | Report, related documents and all minutes                  | <p>The Board 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 Board is:</p> <p>conducting business; or<br/>proposing to conduct business; or</p> <p>would prejudice the commercial position of the Board</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</p> | Retained in confidence until any agreements or arrangements are finalised between respective parties and confidentiality is no longer required as determined by the Chief Executive Officer or his delegate. This order be reviewed every 12 months. |                  | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>negotiate a cost-effective proposal for the benefit of the Board and the community in this matter and in relation to other contract negotiations.</p> <p><b><u>Section 91(7) Order</u></b><br/> 3. Pursuant to Section 90 (3) (b)<br/> That having considered Agenda Item 12.1 Executive Officer Update – Licensees and Booking Activities, in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Board pursuant to Section 91(7) of the Act orders that the report, related documents and all minutes be retained in confidence until any agreements or arrangements are finalised between respective parties and confidentiality is no longer required as determined by the Chief Executive Officer or his delegate. This order be reviewed every 12 months.</p> |  | <p>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 Board 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 the Board's commercial position may severely prejudice the Board's ability to be able to negotiate a cost-effective proposal for the benefit of the Board and the community in this matter and in relation to other contract negotiations.</p> |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|----------------|--|---|--|--|---|------------------|------------------|---------------|
| 209 | 17 August 2023 | Audit and Risk Committee - Addendum to Prudential Report on Wastewater Treatment Plant Upgrade Stage 1 | <p><b><u>Section 90 (3) (b) Order</u></b></p> <p>1. <u>Pursuant to Section 90(3)(b)</u> Pursuant to Section 90(2) of the Local Government Act 1999 the Audit and Risk Committee orders that all members of the public except the Chief Executive Officer; Deputy Chief Executive Officer/General Manager, Governance; Head of Wastewater; General Manager Corporate Services; Manager, Financial Services, Councillor Sally Harding, and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.1 Addendum to the Prudential Report on the Wastewater Treatment Plant Upgrade Stage 1.</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 prejudice the commercial position of the Council.</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 the information may prejudice Council's ability to be able to secure future wastewater commitment deeds with developers.</p> | Agenda Item and attachments and all minutes                | <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 prejudice the commercial position of the Council.</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</p> | Retained in confidence until such time as the council determines that this is no longer required and that this order be reviewed every 12 months. |                  | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|---|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><b><u>Section 91(7) Order</u></b></p> <p>5. Pursuant to Section 90 (3) (b) That having considered Agenda Item 12.1 Addendum to the Prudential Report on the Wastewater Treatment Plant Upgrade Stage 1 in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Audit and Risk Committee pursuant to Section 91(7) of the Act orders that the Agenda Item and attachments and all minutes be retained in confidence until such time as the council determines that this is no longer required and that this order be reviewed every 12 months.</p> |  | <p>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 the information may prejudice Council's ability to be able to secure future wastewater commitment deeds with developers.</p> |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|----------------|---|--|--|--|---|------------------|------------------|---------------|
| 210 | 17 August 2023 | Audit and Risk Committee - Strategic Risk Register – ICT Update | <p><b>Section 90(2) Order</b></p> <p>1. Pursuant to section 90(2) and 90(3)(e) of the Local Government Act 1999 the Audit and Risk Committee orders that all members of the public except the Chief Executive Officer; Deputy Chief Executive Officer/General Manager, Governance; General Manager Corporate Services; Manager, Financial Services; Manager Information Services; Team Leader ITC, Councillor Sally Harding, and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.2 Strategic Risk Register ICT Update.</p> <p>The Council is satisfied that pursuant to Section 90(3)(e) 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 prejudice matters affecting the security of information of the Council.</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 the information may prejudice Council's security of information.</p> | Agenda Item and attachments and all minutes                | <p>The Council is satisfied that pursuant to Section 90(3)(e) 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 prejudice matters affecting the security of information of the Council.</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</p> | Retained in confidence until such time as the Council determines that this is no longer required and that this order be reviewed every 12 months. |                  | Within 12 months |               |



# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><b><u>Section 91(7) Order</u></b><br/> <u>Pursuant to Section 90 (3) (e)</u></p> <p>3. That having considered Agenda Item 12.2 Strategic Risk Register ICT Update in confidence under 90(2) and (3)(e) of the Local Government Act 1999, the Audit and Risk Committee pursuant to Section 91(7) of the Act orders that the Agenda Item and attachments and all minutes be retained in confidence until such time as the Council determines that this is no longer required and that this order be reviewed every 12 months.</p> |  | 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 the information may prejudice Council's security of information. |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|------------------|---|---|--|--|---|------------------|------------------|---------------|
| 211 | 4 September 2023 | Addendum to Prudential Report on Wastewater Treatment Plant Upgrade Stage 1 | <p><u>Section 90 (3) (b) Order</u><br/> 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; Executive Manager to the Chief Executive Officer; Head of Wastewater; General Manager Corporate Services; General Manager Planning and Community; and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1.1 Addendum to the Prudential Report on the Wastewater Treatment Plant Upgrade Stage 1.</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 prejudice the commercial position of the Council.</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 the information may prejudice Council's ability to be able to secure future wastewater commitment deeds with developers.</p> | Agenda Item and attachments and all minutes                | <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 prejudice the commercial position of the Council.</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</p> | Retained in confidence until such time as the council determines that this is no longer required and that this order be reviewed every 12 months. |                  | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><u>Section 91(7) Order</u></p> <p>6. Pursuant to Section 90 (3) (b)</p> <p>That having considered Agenda Item 18.1.1 Addendum to the Prudential Report on the Wastewater Treatment Plant Upgrade Stage 1 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 Agenda Item and attachments and all minutes be retained in confidence until such time as the council determines that this is no longer required and that this order be reviewed every 12 months.</p> |  | <p>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 the information may prejudice Council's ability to be able to secure future wastewater commitment deeds with developers.</p> |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|------------------|---|---|--|--|---|------------------|------------------|---------------|
| 212 | 4 September 2023 | Confidential Item- Strategic Risk Register – ICT Update | <p><u>Section 90(2) Order</u></p> <p>1. Pursuant to section 90(2) and 90(3)(e) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer; Executive Manager to the Chief Executive Officer; Head of Wastewater; General Manager Corporate Services; General Manager Planning and Community, and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1.2 Strategic Risk Register ICT Update.</p> <p>The Council is satisfied that pursuant to Section 90(3)(e) 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 prejudice matters affecting the security of information of the Council.</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 the information may prejudice Council's security of information.</p> <p><u>Section 91(7) Order</u></p> <p><u>Pursuant to Section 90 (3) (e)</u></p> <p>3. That having considered Agenda Item 18.1.2 Strategic Risk Register ICT Update</p> | Agenda Item and attachments and all minutes                | <p>The Council is satisfied that pursuant to Section 90(3)(e) 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 prejudice matters affecting the security of information of the Council.</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</p> | Retained in confidence until such time as the Council determines that this is no longer required and that this order be reviewed every 12 months. |                  | Within 12 months |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| # | 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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | in confidence under 90(2) and (3)(e) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the Agenda Item and attachments and all minutes be retained in confidence until such time as the Council determines that this is no longer required and that this order be reviewed every 12 months. |  | 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 the information may prejudice Council's security of information. |                             |                  |                  |               |

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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 |
|-----|------------------|---|--|--|---|---|------------------|------------------|---------------|
| 213 | 4 September 2023 | <b>Appointment of Independent Members to the Summit Sport And Recreation Park Board</b> | <p><u>Section 90 (3) (a) Order</u></p> <p>1. <u>Pursuant to Section 90(3)(a)</u><br/>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 Corporate Services; General Manager Planning and Community; Executive Manager to the Chief Executive Officer;; and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Appointment of Independent Members to Summit Sport and Recreation Park Board .</p> <p>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 includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of members of the SSRP Board, specifically the Board Members' performance, which are sensitive and are details only known to those who have participated in the SSRP Board review process.</p> <p>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 of the information on the performance of Board Members.</p> <p><u>Section 91(7) Order</u></p> <p>5. <u>Pursuant to Section 91(7)</u><br/>That having considered Agenda Item 18.2 Appointment of Independent Board Members to Summit Sport and Recreation Park Board in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council</p> | Documents and all minutes                                  | 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 includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of members of the SSRP Board, specifically the Board Members' performance, which are sensitive and are details only known to those who have participated in the SSRP Board review process. | Retained in confidence until 30 December 2023 or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months, except for the notification to the Summit Sport and Recreation Park Board (Council Committee) as to the resolutions of Council contained in this item. |                  | Within 12 months |               |

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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 documents and all minutes be retained in confidence until 30 December 2023 or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months, except for the notification to the Summit Sport and Recreation Park Board (Council Committee) as to the resolutions of Council contained in this item. |  | outweighed in the circumstances because of the information on the performance of Board Members. |                             |                  |                  |               |

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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 |
|-----|------------------|---|---|--|---|---|------------------|------------------|---------------|
| 214 | 7 September 2023 | Audit and Risk Committee Confidential Regional Aquatic & Leisure Centre Updated Prudential Report | <p><u>Pursuant to Section 90(3)(b)</u></p> <p>1. Pursuant to Section 90(2) of the Local Government Act 1999 the Audit and Risk Committee orders that all members of the public except Chief Executive Officer, Executive Manager to the Chief Executive Officer, Head of Wastewater, General Manager Planning &amp; Community; General Manager Corporate Services, Manager Financial Services, Senior Project Manager, Manager Water Capital Delivery, Mark Booth (BRM Advisory) and the Minute Secretary be excluded from attendance at the meeting for Agenda 3.1 (Regional Aquatic &amp; Leisure Centre – Prudential Report)</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 proposing to conduct business and would prejudice the commercial position of the Council.</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 severely prejudice Council's ability to be able to</p> | Agenda Item and the attachment and all minutes             | <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 proposing to conduct business and would prejudice the commercial position of the Council.</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</p> | Retained in confidence until such time as Council has resolved the Operator for the RALC. |                  | Within 12 months |               |



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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 |
|---|------|------------|--|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.</p> <p><u>Section 91(7) Order</u><br/> 7. Pursuant to Section 90 (3) (b)<br/> That having considered for Agenda 3.1 (Regional Aquatic &amp; Leisure Centre – Prudential Report), in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Audit and Risk Committee pursuant to Section 91(7) of the Act orders that the Agenda Item and the attachment and all minutes be retained in confidence until such time as Council has resolved the Operator for the RALC.</p> |  | <p>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 severely 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 and in relation to other contract negotiations.</p> |                             |                  |                  |               |

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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 |
|-----|------------------|---|--|--|--|--|------------------|------------------|---------------|
| 215 | 7 September 2023 | Audit and Risk Committee Confidential Item: Prudential Report on Wastewater Treatment Plant Upgrade Stage 1 | <p><b><u>Section 90 (3) (b) Order</u></b></p> <p>1. Pursuant to Section 90(3)(b) Pursuant to Section 90(2) of the Local Government Act 1999 the Audit and Risk Committee orders that all members of the public except the Chief Executive Officer, Executive Manager to the Chief Executive Officer, Head of Wastewater, General Manager Corporate Services, Manager Financial Services, Manager Water Capital Delivery, and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 3.2 Confidential Item: Prudential Report on Wastewater Treatment Plant Upgrade Stage 1.</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 prejudice the commercial position of the Council.</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 the information may prejudice Council's ability to be able to secure future</p> | Agenda Item and attachments and all minutes                | <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 prejudice the commercial position of the Council.</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</p> | Retained in confidence until such time as the Council determines that this is no longer required and that this order be reviewed every 12 months |                  | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>wastewater commitment deeds with developers.</p> <p><b><u>Section 91(7) Order</u></b></p> <p>3. Pursuant to Section 90 (3) (b)<br/>That having considered Agenda Item 3.2 Prudential Report on the Wastewater Treatment Plant Upgrade Stage 1 in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Audit and Risk Committee pursuant to Section 91(7) of the Act orders that the Agenda Item and attachments and all minutes be retained in confidence until such time as the Council determines that this is no longer required and that this order be reviewed every 12 months.</p> |  | <p>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 the information may prejudice Council's ability to be able to secure future wastewater commitment deeds with developers.</p> |                             |                  |                  |               |

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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 |
|-----|-------------------|--|--|--|--|---|------------------|------------------|---------------|
| 216 | 18 September 2023 | Adjourned Business – Confidential Recommendations from Audit and Risk Committee Report – Strategic Risk Register – ICT Update – 4 September 2023 | <p><b>Section 90(2) Order</b></p> <p>1. Pursuant to section 90(2) and 90(3)(e) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer; Executive Manager to the Chief Executive Officer; Head of Wastewater; A/General Manager Corporate Services; A/General Manager Planning and Community; General Manager Infrastructure, Manager, Financial Services, Manager Water Capital Delivery and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 3.1 Adjourned Business Confidential Recommendations from Audit and Risk Committee Meeting 17 August 2023: Confidential Report: Strategic Risk Register ICT Update – 4 September 2023.</p> <p>The Council is satisfied that pursuant to Section 90(3)(e) 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 prejudice matters affecting the security of information of the Council.</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</p> | Agenda Item and attachments and all minutes                | <p>The Council is satisfied that pursuant to Section 90(3)(e) 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 prejudice matters affecting the security of information of the Council.</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</p> | Retained in confidence until such time as the Council determines that this is no longer required and that this order be reviewed every 12 months. |                  | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|---|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>in the circumstances because the disclosure of the information may prejudice Council's security of information.</p> <p><b><u>Section 91(7) Order</u></b><br/> <u>Pursuant to Section 90 (3) (e)</u></p> <p>4. That having considered Agenda Item 3.1 Adjourned Business Confidential Recommendations from Audit and Risk Committee Meeting 17 August 2023: Confidential Report: Strategic Risk Register ICT Update – 4 September 2023 in confidence under 90(2) and (3)(e) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the Agenda Item and attachments and all minutes be retained in confidence until such time as the Council determines that this is no longer required and that this order be reviewed every 12 months.</p> |  | <p>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 the information may prejudice Council's security of information.</p> |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|-------------------|--|---|--|---|---|------------------|------------------|---------------|
| 217 | 18 September 2023 | Confidential Regional Aquatic and Leisure Centre Updated Prudential Report | <p><u>Pursuant to Section 90(3)(b)</u></p> <p>1. Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, Executive Manager, Head of Wastewater, A/General Manager Planning &amp; Community; General Manager Infrastructure, A/General Manager Corporate Services, Senior Project Manager (E. Langford), Manager Water Capital Delivery, and the Minute Secretary be excluded from attendance at the meeting for Agenda 4.1.1 (Regional Aquatic &amp; Leisure Centre – Prudential Report)</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 proposing to conduct business and would prejudice the commercial position of the Council.</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 severely prejudice Council's ability to be able to</p> | Agenda Item and the attachment and all minutes             | <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 proposing to conduct business and would prejudice the commercial position of the Council.</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</p> | Retained in confidence until such time as Council has resolved the Operator for the RALC. |                  | Within 12 months |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| # | 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 |
|---|------|------------|--|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.</p> <p><u>Section 91(7) Order</u><br/> <u>Pursuant to Section 90 (3) (b)</u><br/>           3. That having considered for Agenda 4.1.1 (Regional Aquatic &amp; Leisure Centre – Prudential Report), 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 Agenda Item and the attachment and all minutes be retained in confidence until such time as Council has resolved the Operator for the RALC.</p> |  | <p>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 severely 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 and in relation to other contract negotiations.</p> |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|-------------------|---|---|--|--|---|------------------|------------------|---------------|
| 218 | 18 September 2023 | Prudential Report on Wastewater Treatment Plant Upgrade Stage 1 | <p><b>Section 90 (3) (b) Order</b></p> <p>1. <u>Pursuant to Section 90(3)(b)</u><br/>Pursuant to Section 90(2) of the Local Government Act 1999 the Audit and Risk Committee orders that all members of the public except the Chief Executive Officer, Executive Manager, Head of Wastewater, A/General Manager Corporate Services, A/General Manager Planning &amp; Community, General Manager Infrastructure, Manager Water Capital Delivery, Senior Project Manager and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 4.1.2 Confidential Item: Prudential Report on Wastewater Treatment Plant Upgrade Stage 1.</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 prejudice the commercial position of the Council.</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 the information may prejudice Council's ability to be able to secure future wastewater commitment deeds with developers.</p> | Agenda Item and attachments and all minutes                | <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 prejudice the commercial position of the Council.</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</p> | Retained in confidence until such time as the Council determines that this is no longer required and that this order be reviewed every 12 months. |                  | Within 12 months |               |



# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p><b><u>Section 91(7) Order</u></b></p> <p>4. Pursuant to Section 90 (3) (b)</p> <p>That having considered Agenda Item 4.1.2 Prudential Report on the Wastewater Treatment Plant Upgrade Stage 1 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 Agenda Item and attachments and all minutes be retained in confidence until such time as the Council determines that this is no longer required and that this order be reviewed every 12 months.</p> |  | <p>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 the information may prejudice Council's ability to be able to secure future wastewater commitment deeds with developers.</p> |                             |                  |                  |               |

**CONFIDENTIAL ITEMS 2003 – OCTOBER 2023**

| #   | 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 |
|-----|-------------------|---|---|---|---|--|------------------|------------------|---------------|
| 219 | 18 September 2023 | Regional Aquatic and Leisure Centre (RALC) Design and Construction Tender Confidential Council Report – Recommendation to Award Tender for RALC | <p><b><u>Section 90 (3)(k) and (3)(b) Order</u></b></p> <p>1. 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; Executive Manager; General Manager Infrastructure; Head of Wastewater; A/General Manager Corporate Services; A/General Manager Planning and Community, Manager Water Capital Delivery, Senior Project Manager and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 5.1 Regional Aquatic &amp; Leisure Centre Design and Construction Tender.</p> <p>The Council is satisfied that pursuant to Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this agenda item is a tender for the provision of services and the carrying out of works.</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 proposing to conduct business and would prejudice the commercial position of the Council.</p> <p>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 information to be disclosed and discussed has the potential to impact adversely on the achievement by Council of best value for money through the release of commercially sensitive information.</p> <p>Section 91(7) Order<br/>Pursuant to Section 91(7)</p> | Agenda item plus the attachment, tender documents and all minutes | <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 proposing to conduct business and would prejudice the commercial position of the Council.</p> <p>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 information to be disclosed and</p> | Retained in confidence until the project is complete except that the name of the successful tenderer, the reason for their selection and the amount of the contract will be made public as required by the Local Government Act, and this confidentiality order remains until reviewed by Council. |                  | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|--|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | 12. Having considered Agenda Item 5.1 Regional Aquatic & Leisure Centre Design and Construction Tender in confidence under 90(2) and 3(k) and 3(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Local Government Act orders that the agenda item plus the attachment, tender documents and all minutes be retained in confidence until the project is complete except that the name of the successful tenderer, the reason for their selection and the amount of the contract will be made public as required by the Local Government Act, and this confidentiality order remains until reviewed by Council. |  | discussed has the potential to impact adversely on the achievement by Council of best value for money through the release of commercially sensitive information. |                             |                  |                  |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| #   | 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 |
|-----|-------------------|---|---|--|---|---|------------------|------------------|---------------|
| 220 | 18 September 2023 | Prudential Report on Wastewater Treatment Plant Upgrade Stage 1 | <p>Section 90 (3) (b) Order Pursuant to Section 90(3)(b) 1. Pursuant to Section 90(2) of the Local Government Act 1999 that Council orders that all members of the public except the Chief Executive Officer; Executive Manager, General Manager Infrastructure, A/General Manager Corporate Services; A/General Manager Planning and Community, Head of Wastewater, Manager Water Capital Delivery and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 5.2 Confidential Item: Prudential Report on Wastewater Treatment Plant Upgrade Stage 1.</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 prejudice the commercial position of the Council.</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 the information may prejudice Council's ability to be able to secure future wastewater commitment deeds with developers.</p> | Agenda Item and attachments and all minutes                | <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 prejudice the commercial position of the Council.</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</p> | Retained in confidence until such time as the council determines that this is no longer required and that this order be reviewed every 12 months. |                  | Within 12 months |               |

# CONFIDENTIAL ITEMS 2003 – OCTOBER 2023

| # | 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 |
|---|------|------------|---|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | <p>Section 91(7) Order</p> <p>4. Pursuant to Section 90 (3)(b) That having considered Agenda Item 5.2 Prudential Report on the Wastewater Treatment Plant Upgrade Stage 1 in confidence under 90(2) and (3)(b) of the Local Government Act 1999, that Council pursuant to Section 91(7) of the Act orders that the Agenda Item and attachments and all minutes be retained in confidence until such time as the council determines that this is no longer required and that this order be reviewed every 12 months.</p> |  | <p>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 the information may prejudice Council's ability to be able to secure future wastewater commitment deeds with developers.</p> |                             |                  |                  |               |

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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 |
|-----|-------------------|-------------|--|--|--|---|------------------|------------------|---------------|
| 221 | 18 September 2023 | Major Event | <p>1. Pursuant to Section 90(3)(j) 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, Acting General Manager Planning &amp; Community, Acting General Manager Corporate Services, Executive Manager, and Minute Secretary be excluded from attendance at the meeting for Agenda Item 5.3 Major Event.</p> <p>The Council is satisfied that pursuant to Section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would divulge information provided on a confidential basis by a Minister of the Crown, or another public authority or official.</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 of the request from a public authority for confidentiality for a limited period of time.</p> <p>7. Pursuant to Section 90 (3) (j) That having considered Agenda Item 5.3 Major Event in confidence under 90(2) and (3)(j) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that</p> | Council report, related documents and all minutes          | <p>The Council is satisfied that pursuant to Section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would divulge information provided on a confidential basis by a Minister of the Crown, or another public authority or official.</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</p> | Retained in confidence until such time as approval to release information pertaining to the proposed event has been received by the State Government or such lesser period as may be determined by the Chief Executive Officer. |                  | Within 12 months |               |

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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 |
|---|------|------------|--|--|---|-----------------------------|------------------|------------------|---------------|
|   |      |            | the council report, related documents and all minutes be retained in confidence until such time as approval to release information pertaining to the proposed event has been received by the State Government or such lesser period as may be determined by the Chief Executive Officer. |  | 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 of the request from a public authority for confidentiality for a limited period of time. |                             |                  |                  |               |

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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 |
|-----|-------------------|---|---|--|---|---|------------------|------------------|---------------|
| 222 | 18 September 2023 | Chief Executive Officer Performance Review 2023 | <p>Section 90 (3) (a) Order</p> <p>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 and staff be excluded from attendance at the meeting for Agenda Item 18.3 with the exception of the Council's independent consultant for the performance review process, Mr Richard Altman.</p> <p>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 which are sensitive and are details only known to those who have participated in the review process.</p> <p>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.</p> <p>Section 91(7) Order</p> <p>7. After having considered Agenda Item 18.3 Chief Executive Officer's Performance Review 2023 in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that this agenda item, minutes and Attachments 2 and 3 be retained in confidence until 16 December 2033 being 7 years after the expiry of the CEO's employment agreement and that Attachment 1, the Summary CEO</p> | <p>Agenda item, minutes and Attachments 2 and 3 be retained in confidence until 16 December 2033 being 7 years after the expiry of the CEO's employment agreement and that Attachment 1, the Summary CEO Performance Review report will be released 12 months from the date of this Council meeting being 18 September 2024 and that the resolution of Council in relation to the remuneration of the CEO and the Key Performance Indicators contained in Attachment 4 will be released by 18 October 2023</p> | <p>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 which are sensitive and are details only known to those who have participated in the review process.</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the</p> | <p>Agenda item, minutes and Attachments 2 and 3 be retained in confidence until 16 December 2033 being 7 years after the expiry of the CEO's employment agreement and that Attachment 1, the Summary CEO Performance Review report will be released 12 months from the date of this Council meeting being 18 September 2024 and that the resolution of Council in relation to the remuneration of the CEO and the Key Performance Indicators contained in Attachment 4 will be released by 18 October 2023 and that all remaining information will be retained in confidence until determined by the Council that they be released.</p> |                  | Within 12 months |               |



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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 |
|---|------|------------|--|--|--|-----------------------------|------------------|------------------|---------------|
|   |      |            | Performance Review report will be released 12 months from the date of this Council meeting being 18 September 2024 and that the resolution of Council in relation to the remuneration of the CEO and the Key Performance Indicators contained in Attachment 4 will be released by 18 October 2023 and that all remaining information will be retained in confidence until determined by the Council that they be released. |  | circumstances because the disclosure of details of the Chief Executive Officer's performance may prematurely be disclosed. |                             |                  |                  |               |

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|--|----------------------------------|
|  | Part Information released        |
|  | Information remains Confidential |