

# AMENDED ITEM

26 March 2014

Procedural Item

To the Ordinary Council Meeting

General Manager's Unit

## 1.5 Notice of Intention to Deal with Matters in Confidential Session

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TRIM REFERENCE: F2013/02042 - D06017337

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### SUMMARY

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the "Confidential" business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

### RECOMMENDATION

- 1 ***That Council consider the following matters in Confidential Session, pursuant to Sections 10 A (2) (a) and 10 A (2) (g) of the Local Government Act 1993:***
  - 6.1 – ***Sick Leave Cash-out Option***
  - 6.2 – ***Report on Proceedings Before the Land and Environment Court of NSW in Respect to the Refusal of Development Applications DA/481/2013 and DA/582/2013 – Subject to Client Legal Privilege***
- 2 ***That Council note its reason for considering Report No 6.1 – Sick Leave Cash-out Option as it contains personnel matters concerning particular individuals (other than Councillors).***
- 3 ***That Council note its reason for considering Report 6.2 – Report on Proceedings Before the Land and Environment Court of NSW in Respect to the Refusal of Development Applications DA/481/2013 and DA/582/2013 – Subject to Client Legal Privilege as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.***
- 4 ***That Council request the General Manager to report on these matters in open session of Council.***

Note: Explanation - Section 10A of the Local Government Act 1993 states:

*"2(a) personnel matters concerning particular individuals (other than Councillors),*

*2(b) the personal hardship of any resident or ratepayer,*

*2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*

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2(d) *commercial information of a confidential nature that would, if disclosed:*

- (i) *prejudice the commercial position of the person who supplied it, or*
- (ii) *confer a commercial advantage on a competitor of the Council, or*
- (iii) *reveal a trade secret,*

2(e) *information that would, if disclosed, prejudice the maintenance of law,*

2(f) *matters affecting the security of the Council, Councillors, Council staff or Council property,*

2(g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*

2(h) *information concerning the nature and location of a place or an item of Aboriginal significance on community land.”*

### **ATTACHMENTS**

Nil.