

AMENDED ITEM

9 April 2014
To the Ordinary Council Meeting

Procedural Item
General Manager's Unit

1.4 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2013/02042 - D06173101

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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 10A(2c&d)(ii) and (g) of the Local Government Act 1993:***
 - 8.1 - ***Council Owned Iconic Development Sites - Wyong, Toukley and The Entrance - Proposals Received***
 - 8.2 ***Mayoral Minute - Legal advice and related matters arising from the appeal proceedings in the Land and Environment Court in respect to conditions imposed on the consent to development application DA/853/2013 - skydiving and other uses of Central Coast Wetlands Pioneer Dairy, 1897 South Tacoma Rd, Tuggerah***
- 2 ***That Council note its reason for considering Report No 8.1 Council Owned Iconic Development Sites - Wyong, Toukley and The Entrance - Proposals Received as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and confer a commercial advantage on a competitor of the Council.***
- 3 ***That Council note its reason for considering Report No 8.2 - Mayoral Minute - Legal advice and related matters arising from the appeal proceedings in the Land and Environment Court in respect to conditions imposed on the consent to development application DA/853/2013 - skydiving and other uses of Central Coast Wetlands Pioneer Dairy, 1897 South Tacoma Rd, Tuggerah 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 this matter in open session of Council.***

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

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- “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,*
- 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.”*

Nil