

10 Confidential items

10.1 Legal proceedings regarding unauthorised signage at 137 Commercial Road, Port Noarlunga South

Cr Nash MOVED:

1. *That:*
 - a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public with the exception of the Chief Executive Officer, General Manager Corporate and Community, General Manager Projects and Services, General Manager City Development, Chief Financial Officer, Manager Development Services, Group Manager Sustainability, Manager Property and Recreation Services, Team Leader Civic and Executive Administration and Minute Secretary be excluded from attendance at the meeting in order to consider in confidence this item.*
 - b. *the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:*

Section 90(3)(h) legal advice
 - c. *accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Merritt.

CARRIED

Cr Bray MOVED:

1. *That the report concerning the acts and activities of Barry John Becker and Jeanette Patricia Inglis be received and that Council not seek that any proceedings for contempt of court be brought against Barry John Becker and Jeanette Patricia Inglis.*

Seconded by Cr de Jonge.

Cr Bray WITHDREW his MOTION.

Cr Hammond MOVED:

2. *That Council authorise the Chief Executive Officer to explore an option for a settlement on the matter with Mr Becker and Ms Inglis or their representatives on the following potential option for settlement:*
 - *that Council will not pursue costs and/or contempt of court proceedings subject to an ongoing undertaking from Mr Becker and Ms Inglis that all unauthorised signs will be removed from the land and that the ERD Court order will be complied with, on the understanding that if Mr*
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Becker and Ms Inglis breach this undertaking and the ERD Court order, Council may choose to pursue costs and/or contempt of court proceedings

and report back to Council in April 2011 with respect to the option and the outcomes of settlement discussions with Mr Becker and Ms Inglis.

Seconded by Cr de Jonge.

CARRIED

Cr Parslow called a division.

For

<i>Cr Hammond</i>	<i>Cr Richardson</i>	<i>Cr Knight</i>	<i>Cr Kilby</i>	<i>Cr Swann</i>
<i>Cr Merritt</i>	<i>Cr Bray</i>	<i>Cr Sutherland</i>	<i>Cr de Jonge</i>	

Against

<i>Cr Jamieson</i>	<i>Cr Chapman</i>	<i>Cr Olsen</i>	<i>Cr Webster</i>	<i>Cr Nash</i>
<i>Cr Schulze</i>	<i>Cr R Brown</i>	<i>Cr Parslow</i>		

CARRIED

Cr Nash MOVED:

- 3. That in relation to the matter of Mr Barry Becker and Ms Jeannette Inglis of 137 Commercial Road, Port Noarlunga South, having been considered in confidence under Section 90(3)(h) of the Local Government Act 1999, an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes, agenda report and attachments 6 and 7 relating to discussion of the subject matter, be kept confidential until conclusion of legal proceedings (including any appeal actions).*

Seconded by Cr de Jonge.

CARRIED

Mayor Rosenberg reopened the meeting to the public at 11.31pm.

4 Closure

There being no further business Mayor Rosenberg officially declared the meeting closed at 11.31pm.
