

11.2 Legal action regarding 226-230 O'Sullivan Beach Road, Morphett Vale

Cr Richardson resumed his seat in the chamber at 9.08pm.

Cr Greaves MOVED:

1. *That:*

- a. *Under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public 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)(i) - information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the council.
- 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 Webster.

CARRIED

Cr Olsen resumed his seat in the chamber at 9.09pm.

Cr Parslow MOVED:

2. *That the Council resolve that, subject to an agreement being reached with Mrs Lilly O'Neil that a claim for costs against council will not be pursued, to advise the Environment, Resources and Development (ERD) Court that it no longer wishes to pursue (and in so far as it can, it withdraws) contempt of court proceedings against Mrs Lilly O'Neil of 226-230 O'Sullivan Beach Road, Morphett Vale, in relation to the orders of the ERD Court in action no. 292 of 2009 dated 30 November 2010.*

Seconded by Cr de Jonge.

CARRIED

Cr de Jonge MOVED:

3. *That in relation to the matter of Mr Eric O'Neil and Mrs Lilly O'Neil of 226-230 O'Sullivan Beach Road, Morphett Vale, having been considered in confidence under Section 90(3)(i) 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 relating to discussion of the subject matter, be kept confidential until conclusion of legal proceedings (including any appeal actions).*

Seconded by Cr Chapman.

CARRIED

