

MINUTES

Council meeting 21 March 2023

VENUE: Council Chamber
Civic Centre, Ramsay Place, Noarlunga Centre

MEETING COMMENCED: 6.30pm

PRESENT: Mayor Were (Chair)
Cr Bell
Cr Eaton
Cr Fisher
Cr Greaves
Cr Jew
Cr Platten
Cr Pritchard
Cr Rilett
Cr Stafford
Cr Themeliotis
Cr Wilkes
Cr Yeomans

APOLOGIES: -

LEAVE OF ABSENCE: -

ABSENT: -

PLEDGE

We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kaurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future wellbeing of those we serve.

1. Opening of meeting

Mayor Were officially declared the meeting open at 6.30pm.

All members read the pledge.

2. Confirmation of minutes

MOVED Cr Themeliotis.

That the minutes of the proceedings of the Council meeting held on 21 February 2023 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr Wilkes.

CARRIED

3. Adjourned business

Nil.

4. Leave of absence

Nil.

5. Mayor's communication

5.1 MAYOR'S REPORT

Citizenship

On Monday 6 March 2023, we welcomed 74 new citizens from 26 different countries at the Hopgood Theatre. Erin Thompson MP, State Member for Davenport was in attendance with Cr Paul Yeomans, South Coast Ward, Cr Marisa Bell and Cr Jordan Pritchard, Southern Vales Ward, Cr Geoff Eaton, Thalassa Ward and Cr Colt Stafford, Knox Ward.

We were treated to a wonderful performance by the Fleurieu Harmony Chorus.

Lyndall Dales, Sub-Lieutenant, TS Noarlunga Cadet handed out gifts, assisted by Cr Bell and Stafford.

Citizenship ceremonies are a wonderful reminder of the power, rights and responsibilities in a democracy. As a council, we actively encourage full participation in the life and decisions we make collectively – from voting, volunteering and getting involved in the myriad of expressions of what it means to be in community.

Advocacy

Advocacy is a key role of local government and this past month, we have raised with the State Government issues impacting on our community including the Essential Services Commission of SA (ESCOSA) levy, local government reform, safety, development, housing and community services.

I have also had the opportunity to meet with other Mayors both formally and informally, to discuss what we might do collectively to address some of the potential threats to democracy we are seeing at first hand, such as the erosion of trust in government generally, the increased polarisation of views that builds fear, the place of social media in fuelling hate speech and how to influence reform to the Local Government Act.

We were pleased to see common sense prevail with the swift action taken by the state government to address the problem caused by a number of elected members across the State not having forms accurately lodged on the portal used for candidates in the local government election. One of our councillors was affected and we are pleased to welcome her back into the chamber without disenfranchising those who voted for her and without additional expenses to us or the electoral system.

Preparing for the Future

The elected members have been working hard together to prepare and recruit a chief executive officer. We have also been focussed on getting ready to make decisions about this year's rates.

We are committed to making decisions with the future in mind, and while we each have our own unique view of how to get there, respectful and thoughtful questions and conversations between all the elected members will continue to help us arrive at a place we hope best reflects the needs of our community. We know that some of these decisions will need to be made one step at a time and not everything can be achieved in our first year.

Mid-year, we will invite everyone to give us feedback on our draft business plan.

Community Plan 2030 people: connected, engaged, active, healthy place: green, inviting, accessible, liveable prosperity: economically strong, environmentally thriving performance: accountable, efficient, inclusive, sustainable	
Key Result Area	Activity and Outcomes
Active, healthy, connected and engaged communities	Regional community facilities meeting and briefings on framework for council facility assets has been front of mind this month and included briefings, visits to community facilities and meeting with local community leaders using and connecting to these facilities and allied facilities such as the South Adelaide Football Club and welcoming Novita to our City.
Green, inviting, liveability	Council members active in Resilient South forum deepening our understanding and actions around the relationship between health, wellbeing and natural environment. Presentation of native vegetation plant as a gift to new citizens.
Economic benefits, thriving natural environment	Meeting with business leaders, including the ON Ambassadors, First Nations Peoples Advisory group, developers and state government officers on the relationship of the economic, ecological and sustainable placemaking.
Trust in delivery and returns for rates	Local government reform advocacy, training, research and briefings in preparation for budget planning and annual rates setting, including advocacy to ESCOSA. Elected member professional development around roles and responsibilities of Mayor and implementation of Local Government Act behavioural standards and policies for an effective chamber.

Elected Member Representation

Thank you to Deputy Mayor Mick Fisher for representing me at:

- Noarlunga United Soccer Club Welcome Day & 60th Year Celebration
- Met with Christies Beach Sports & Social Executive
- Pride of the South Pride March
- Judith's Walk for Judith's Legacy fundraising event
- Resilient South Council Member Forum
- Sellicks Beach Historic Motorcycle Event

Thank you to Cr Marisa Bell for representing me at:

- Festival of Many
- Icon Cancer Centre Noarlunga honouring of Prof David Wigg

Thank you to Cr Jordan Pritchard for representing me at:

- Willunga Recreation Park Opening of New Festival Hall Floor and Volunteer Thank You event
- Willunga Farmers Market 21st Birthday cake cutting
- Festival of Many

Thank you to Cr Colt Stafford for representing me at:

- Reynella East College Sports Day

Thank you to Cr Gretel Wilkes for representing me at:

- Grand Opening & 10th Anniversary of Mortgage Choice Noarlunga

This month the following invitations received an apology:

- Australia China Business Council Lunar New Year Back to Business event

[Mayor's calendar 18 February to 17 March](#)

February	
18	LGA Principal Member Forum compulsory training
18	South Adelaide Football Club Women's Round Cocktail Function
21	Council Meeting
22	Met with local business regarding Beach Road Activation
22	CEO Performance Management Committee session
23	Met with resident
23	City of Onkaparinga Ambassadors Workshop
24	Met with Chief Executive of the Department of Human Services
28	Met with Mayor Gillian Aldridge and Chief Executive Office John Harry from City of Salisbury
28	Met with Neill Sharpe, Chief Executive Officer of South Adelaide Football Club and Margaret Nyland, President of South Adelaide Football Club
28	Elected Member Session
March	
1	First Nations People Advisory Group meeting
2	Novita's Christies Beach Therapy and Community Hub opening
2	Met with Fleurieu Arthouse
2	Regional Community Facilities Gathering 2023
3	Radio Interview – Tribe FM
6	Aberfoyle Community Centre Women's Day Brunch

6	Opening of New Noarlunga SES Unit Sod-Turn
6	Citizenship Ceremony
7	Met with small business owner
7	Elected Member Session
8	Breakfast to celebrate International Women's Day at Government House
14	Met with Michael Hickinbotham, CEO of Hickinbotham Group
14	Elected Member Session
16	Met with Catherine Hutchesson MP, Member for Waite
16	Closing the Gap Day Sonder Event
16	CEO Performance Review training
17	Radio Interview – Tribe FM
17	Met with the Hon Nat Cook MP, Member for Hurtle Vale

Deputy Mayor's calendar 18 February to 17 March

February	
18	Noarlunga United Soccer Club Welcome Day & 60 th Year Celebration
21	Met with Christies Beach Sports & Social Executive
21	Council Meeting
25	Pride of the South Pride March
26	Judith's Walk for Judith's Legacy fundraising event
28	Met with Neill Sharpe, Chief Executive Officer of South Adelaide Football Club
28	Elected Member Session
March	
1	First Nations People Advisory Group meeting
2	Regional Community Facilities Gathering 2023
7	Elected Member Session
8	Resilient South Council Member Forum
12	Sellicks Beach Historic Motorcycle Event
14	Elected Member Session

Correspondence

Att 1	For Minister for Local Government, the Hon Geoff Brock MP	Correspondence regarding 2022 Local Government Election and recent Council meeting disruption
Att 2	For Premier the Hon Peter Malinauskas MP	Correspondence regarding 2022 Local Government Election and recent Council meeting disruption
Att 3	From Sam Telfer MP, Shadow Minister for Local Government	Request for feedback relating to the 2022 Local Government Election and sector
Att 4	For Sam Telfer MP, Shadow Minister for Local Government	Feedback regarding the 2022 Local Government Election and Elected Member Behavioural Standards
Att 5	From Hon Joe Szakacs MP, Minister for Police, Emergency Services and Correctional Services	South Australia's Road Safety Action Plan 2023-2025 (Action Plan)

Att 6	From Craig Holden, State Planning Commission	Response to letter from former Acting Mayor dated 11 November 2022 regarding preservation of character
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Thank you.

Moira Were AM

Mayor

MOVED Cr Stafford.

That Council note the 21 March 2023 Mayor's report.

Seconded by Cr Platten.

CARRIED

6. Presentations

Nil.

7. Deputations

7.1 DEPUTATION – ERIC PELVAY – REGULATED TREE REMOVAL – 401 MAIN ROAD COROMANDEL VALLEY

Eric Pelvay gave a deputation and answered questions from elected members in relation to removal of a tree at 401 Main Road Coromandel Valley.

8. Presentation by Committee chairpersons and reports to Council by Council Committees

8.1 CHIEF EXECUTIVE OFFICER PERFORMANCE MANAGEMENT COMMITTEE MEETING MINUTES OF 16 FEBRUARY 2023

MOVED Cr Jew.

That Council note the public minutes of the Chief Executive Officer Performance Management Committee meeting held on 16 February 2023 as attached to the agenda report.

Seconded by Cr Platten.

CARRIED

8.2 SPECIAL CHIEF EXECUTIVE OFFICER PERFORMANCE MANAGEMENT COMMITTEE MEETING MINUTES OF 23 FEBRUARY 2023

MOVED Cr Platten.

That Council note the minutes of the Special Chief Executive Officer Performance Management Committee meeting held on 23 February 2023 as attached to the agenda report.

Seconded by Cr Jew.

CARRIED

9. Reports of officers

9.1 HOPGOOD THEATRE COMMUNITY ENGAGEMENT OUTCOMES

MOVED Cr Themeliotis.

That Council notes:

- 1. The community engagement key findings regarding the future opportunities for Hopgood Theatre (attachment 1 to the agenda report).*
- 2. The 14 February 2023 Elected Member Hopgood Theatre Workshop summary (attachment 2 to the agenda report).*
- 3. That negotiations are underway with Country Arts South Australia for the interim management and operation of the Hopgood Theatre operations from 1 July 2023 to 30 June 2024 that will be formalised through a Funding and Service Agreement.*

Seconded by Cr Bell.

CARRIED

9.2 REGULATED AND SIGNIFICANT TREE REMOVAL – COUNCIL TREES

MOVED Cr Eaton.

That Council:

- 1. Receives the Community Engagement feedback report regarding removal of eight (8) regulated/significant trees throughout the city (Attachment 3 to the agenda report).*
- 2. Approves the lodgement of a Development application for the removal of the eight significant trees throughout the city*

Seconded by Cr Themeliotis.

CARRIED

Cr Wilkes called a DIVISION and the decision was set aside.

For:

<i>Cr Stafford</i>	<i>Cr Pritchard</i>	<i>Cr Eaton</i>	<i>Cr Yeomans</i>	<i>Cr Rilett</i>
<i>Cr Greaves</i>	<i>Cr Jew</i>	<i>Cr Bell</i>	<i>Cr Themeliotis</i>	

Against:

<i>Cr Fisher</i>	<i>Cr Wilkes</i>	<i>Cr Platten</i>		
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CARRIED

9.3 QUEEN'S JUBILEE PLANTING AND REGULATED TREE REMOVAL

MOVED Cr Greaves.

That Council:

- 1. Receives the Community Engagement feedback report regarding removal of three regulated trees along Main South Road shown at Attachment 4 to the agenda report.*
- 2. Approves the lodgement of a Development Application for the removal of the three regulated trees along Main South Road shown in Attachment 1 to the agenda report.*
- 3. Note the update on the Queen's Jubilee Planting project.*

Seconded by Cr Stafford.

CARRIED

Cr Fisher called a DIVISION and the decision was set aside.

For:

<i>Cr Stafford</i>	<i>Cr Pritchard</i>	<i>Cr Eaton</i>	<i>Cr Yeomans</i>	<i>Cr Rilett</i>
<i>Cr Greaves</i>	<i>Cr Bell</i>	<i>Cr Themeliotis</i>		

Against:

<i>Cr Fisher</i>	<i>Cr Wilkes</i>	<i>Cr Platten</i>	<i>Cr Jew</i>	
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CARRIED

9.4 WEARING STREET PRECINCT CONSULTATION FEEDBACK REPORT – COMMUNITY MANAGEMENT PLANS AND LONG-TERM LEASES

MOVED Cr Fisher.

That for the subject land legally described as whole of the land comprised in:

- 1. Certificate of Title Volume 5599 Folio 302, being Allotment 14 Town of Noarlunga*
- 2. Certificate of Title Volume 5615 Folio 34, being Allotment 8 Deposited Plan 7115*
- 3. Certificate of Title Volume 5638 Folio 54, being Allotment 15 Filed Plan 152691*
- 4. Certificate of Title Volume 5742 Folio 18, being Allotment 20 Filed Plan 152696*
- 5. Certificate of Title Volume 5753 Folio 46, being Allotment 96 Filed Plan 214585*
- 6. Certificate of Title Volume 5825 Folio 716, being Allotment 36 Filed Plan 152712*
- 7. Certificate of Title Volume 5825 Folio 723, being Allotment 37 Filed Plan 152713*
- 8. Certificate of Title Volume 5835 Folio 400, being Allotment 9 Deposited Plan 7115*
- 9. Certificate of Title Volume 5877 Folio 216, being Allotment 35 Filed Plan 152711*
- 10. Certificate of Title Volume 6259 Folio 157, being Allotment 8 Town of Port Noarlunga*

located at Wearing Street, Port Noarlunga and bordered in red on Attachment 1 to the agenda report, Council:

- 1. Receives the 24 submissions provided during the public consultation undertaken in accordance with sections 198 and 202(2) of the Local Government Act 1999 (the Act) (Attachment 2 to the agenda report).*
- 2. Having considered the consultation feedback received (Attachment 2 to the agenda report) and the information in this agenda report, resolves:*
 - a) in accordance with section 198 of the Act to amend the Community Land Management Plans for General Community and Reserve to include the subject parcels of land transferred from the State Government, and*
 - b) in accordance with section 202(2) of the Act to lease the subject land to the Department for Education and South Port Surf Life Saving Club for a lease term of*

21 years and Onkaparinga Canoe Club for a lease term of five years and Easy Kayaks for a lease term of up to five years.

3. *Authorises the Chief Executive Officer to do all things necessary to execute the long-term lease agreements with the Department for Education and South Port Surf Life Saving Club.*

Seconded by Cr Stafford.

CARRIED

Cr Fisher left his seat in the Chamber at 8.01pm.

9.5 FINAL REPORT FOR REVOCATION OF COMMUNITY LAND CLASSIFICATION FOR PORTION OF RESERVES ADJACENT TO 23 GLENDALE AVENUE, FLAGSTAFF HILL TO ENABLE SALE TO THE ADJOINING LANDOWNERS

MOVED Cr Eaton.

That, for the council owned land described as portion of Allotment (Reserve) 55 and Allotment (Reserve) 56 in Deposited Plan 10979, comprised in Certificates of Title Volume 5423 Folio 866 and Volume 5423 Folio 663 respectively, and bordered in red on aerial photograph (Attachment 1 to the agenda report), Council:

1. *Receives the approval to revoke the subject land from its community land classification from the Minister for Local Government in a letter dated 10 January 2023 (Attachment 2 to the agenda report).*
2. *Resolves to formally approve the revocation of the subject land from its community land classification, as required pursuant to subsection 194(3)(b) of the Local Government Act 1999 to enable sale of the subject land to the adjoining landowners.*
3. *Authorises the Chief Executive Officer to finalise the revocation process and the direct disposal of the land to the adjoining landowners consistent with Council's resolution of 21 September 2021.*
4. *Approves the net proceeds from the sale of the subject land as a contribution towards the annual \$3 million-dollar budgeted revenue to be raised from the sale of surplus assets as per the Long-Term Financial Plan and the 2022-23 budget to fund prioritised projects as planned.*

Seconded by Cr Themeliotis.

CARRIED

Mayor Were brought forward item 9.7 at this point.

9.7 LIVE STREAMING OF COUNCIL MEETINGS

Cr Fisher resumed his seat in the Chamber at 8.02pm.

MOVED Cr Themeliotis.

That Council:

1. *Receives the agenda report and notes that:*
 - *the costs to implement and support the live streaming of Council meetings are as follows:*
 - o Hardware purchase and installation \$30,000 (excluding GST)*
 - o Ongoing licensing and support \$28,360 (excluding GST)*

- *the above costs are not contained in 2022 23 budget or the Long Term Financial Plan.*
2. (a) *Resolves to introduce live streaming of Ordinary and Special public Council, Strategic Directions Committee (SDC) and Audit and Risk Committee (ARC) meetings, and authorises the expenditure of the aforementioned unbudgeted quantum in the 2023/24 financial year with same to be reflected in the Long Term Financial Plan; and*
- (b) *Requests that the Code of Practice – proceedings of meetings be reviewed and presented to Council for adoption to reflect changes.*

Seconded by Cr Wilkes.

Cr Platten MOVED a formal motion that this agenda item be adjourned until such time as we have more information of the following:

- *the time delay function*
- *multiple quotes*
- *until we have garnered information from other councils already livestreaming.*

Seconded by Cr Greaves.

CARRIED

9.6 CALL FOR MOTIONS – AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION'S 2023 NATIONAL GENERAL ASSEMBLY

MOVED Cr Fisher.

That Council:

- a. *Notes the Australian Local Government Association 2023 National General Assembly Discussion Paper – Calls for Motions (Attachment 1 to the agenda report)*
- b. *Endorses Australian Local Government Association 2023 National General Assembly - Motion 1 – Resolution of Legacy Issues in In-Home Aged Care Support Services (Attachment 2 to the agenda report)*
- c. *Endorses Australian Local Government Association 2023 National General Assembly - Motion 2 – National Commitment to Coastal Adaptation Planning (Attachment 3 to the agenda report).*

Seconded by Cr Bell.

CARRIED

At 8.29pm Cr Greaves MOVED that the meeting break for 10 minutes.

Seconded by Cr Eaton.

CARRIED

Mayor Were reconvened the meeting in the Chamber at 8.39pm with all members present that were present before the break.

9.8 DRAFT RATING POLICY 2023-24

MOVED Cr Greaves.

That Council approve the draft Rating Policy 2023–24 for community engagement purposes (Attachment 1 to the agenda report).

Seconded by Cr Eaton.

CARRIED

9.9 COMMENCEMENT OF LOCAL GOVERNMENT (CASUAL VACANCIES) AMENDMENT ACT 2023

MOVED Cr Eaton.

That Council receives and notes the agenda report.

Seconded by Cr Wilkes.

CARRIED

9.10 ELECTED MEMBER APPLICATION TO ATTEND CONFERENCE – ASIA PACIFIC CITIES SUMMIT AND MAYORS' FORUM

Mayor Were declared a material conflict of interest as the subject of the item and left the meeting at 8.48pm.

Deputy Mayor Fisher took the Chair.

MOVED Cr Themeliotis.

That Council approve the attendance and associated costs as per the Elected member allowances, benefits and support procedure 2022 for Mayor Were to attend the Asia Pacific Cities Summit and Mayors' Forum in Brisbane 11-13 October 2023, as detailed below:

- *Full conference fee and welcome reception*
- *2023 Asia Pacific Cities Summit Gala Dinner*
- *Accommodation 10-12 October 2023 (3 nights)*
- *Flights and necessary transfers*

That upon return the Mayor issue a written report on the benefits and outcomes of this summit as part of the Mayor's Report.

Seconded by Cr Bell.

CARRIED

Mayor Were resumed her seat in the Chamber as Chair at 8.50pm.

9.11 COUNCIL AND COMMITTEE REPORTING SCHEDULE

MOVED Cr Eaton.

That Council note the agenda report and Reporting Schedule (attachment 1 to the agenda report).

Seconded by Cr Bell.

CARRIED

10. Questions on notice

10.1 QUESTIONS ON NOTICE – CR THEMELIOTIS – DEVELOPER APPROVALS

1. *Has council ever after multiple extensions to a development approval, refused a further extension?*

Council's Assessment Manager, utilising powers pursuant to the *Planning Development & Infrastructure Act 2016*, regularly grants extensions of time to applicants delayed in commencing their development. Less often, extension of time requests are refused (generally after a number of approvals) for reasons which may include:

- the length of time that has passed from original consent,
- lack of progression on the developer's part to further the development
- whether there has been a material change to planning legislation or guidelines
- if others will be unfairly prejudiced if the extension is granted.

If an extension of time request is refused, the applicant has appeal rights to the Environment, Resources and Development Court against the refusal to extend the consent.

2. *If Council refuses a further development approval extension, what would this mean for the development?*

The original development approval can no longer be enacted and the applicant would need to submit a new development application. This would be assessed under the Planning and Design Code and the Planning, Development & Infrastructure Act 2016 that came into effect on 19 March 2021.

3. *Are there any ways council can push developer to develop an area (that the developer has approval to develop) which has been left undeveloped for many years?*

State planning legislation has no mechanism to require an applicant to commence a particular development.

However, Council has the ability to rate vacant land at a higher level than developed sites in an attempt to encourage development. The vacant land rate applies to all undeveloped blocks across the City and cannot be individually applied.

10.2 QUESTION ON NOTICE – CR THEMELIOTIS – DOMESTIC VIOLENCE PREVENTION HUB IN THE SOUTH

- Can Council please have an update on the proposed Domestic Violence prevention hub in the south?*

The South Australian Labor Party committed \$500,000 for the development of a Southern Domestic Violence Hub in the South as part of the 2022 State Election campaign.

Following the State Election, council staff have been working with the Office for Women to support the development of a Hub in Onkaparinga.

Staff met with Office for Women on 14 July 2022 and have met a number of times to support the Hub development. To support Office for Women with possible locations for the Hub, staff provided location options and contact details for these locations. Staff have also provided a range of other supporting information from our Community Wellbeing Monitor including domestic violence, mental health and disadvantage data for Onkaparinga to support the Hub concept development.

In working with the Office for Women, we have recommended that a working party of stakeholders, including City of Onkaparinga, is established to support the Hub development.

Office for Women are currently exploring a range of locations for the Hub, which once a location is confirmed, will support the finalisation of a Hub concept. We understand the future Hub will support three pillars of domestic violence support including Prevention, Early Intervention and Recovery.

Staff also remain in regular contact with Southern Domestic Violence Action Group, a key stakeholder in a future Southern Domestic Violence Hub.

10.3 QUESTIONS ON NOTICE – CR BELL - NATIONAL REFERENDUM – PROPOSED CONSTITUTIONAL CHANGE FOR RECOGNITION OF OUR FIRST NATIONS PEOPLE AND A FIRST NATIONS VOICE TO PARLIAMENT

What does Council have in place to assist the discourse and ensure the community are well informed in the leadup to the planned national Referendum for an amendment to the Australian Constitution that seeks:

1. *to recognise the more than 60,000 year connection of our first nations people to land, culture and heritage in this country*

and

2. *First nations people be consulted and thus have a say in the laws that affect them.*

Response

Council currently has no planned activities in place in relation to the referendum to change the Australian Constitution to enshrine a First Nations Voice to the Parliament of Australia.

Our research into potential local government roles in the referendum has led us to learn that communication will soon be forthcoming from the Federal Minister for Regional Development, Local Government and Territories, the Hon. Kristy McBain MP, which we understand will provide referendum information sources and examples of roles being adopted by various councils around the country. We understand a letter from Minister McBain's office will be sent to Australian councils within the next few weeks.

We will ensure that elected members receive this information to consider what could be put in place to support public discourse on this important matter.

10.4 QUESTIONS ON NOTICE – CR WILKES – WEARING STREET DEVELOPMENT

1. *How long has the development been proposed to the long time lessees of Wearing Street?*

The Wearing Street precinct has hosted aquatic groups and facilities for many years. The existing club facilities are on State Government land and therefore in place with State Government agreement.

In March 1999 the Draft Port Noarlunga Masterplan was developed for community engagement. An outcome of the Masterplan was to develop a detailed concept plan for the Wearing Street Precinct. The Masterplan recognised an aquatic focus for Wearing Street.

Initial ideas were discussed with the key aquatic user groups at this time to guide development of the concept plan.

The requirement for long term leases is the result of efforts to formalise funding contributions and agreements with the aquatic user groups required for construction to commence.

2. *How many concept plans have been drawn up and consulted on with the community for the Wearing Street development?*

Various draft concept plans have been developed.

A draft Wearing Street Precinct Concept Plan was approved in March 2001 for community engagement held mid October 2001 to January 2002.

In 2013 a revised Concept Plan was developed and in 2017 the Strategic Directions Committee resolved to develop an alternative to the 2013 concept plan for community engagement which was undertaken May 2018 – June 2018.

Further targeted engagement with user groups and key stakeholders has resulted in multiple design revisions since the community engagement process in 2018.

Council and Ward Members have been updated through this process.

This included the Council requested CEO project review that resulting in Council approval of the current concept design at its 8 December 2020 meeting.

The community engagement undertaken early this year was specifically focussed on addressing the long-term lease arrangements and to amend the Council's Community Land Management Plans to include State Government land being transferred to council.

Council approved the concept plan for detailed design at its meeting on 10 December 2019, on the condition that:

- detailed design will remain on hold pending the outcome of the application under Section 23, Aboriginal Heritage Act 1988
- detailed design will be determined in consultation with key stakeholders, noting that the final position of the revetment wall will be determined as part of the detailed design process, informed by detailed hydrological modelling, with the objective of maximising the riverbank beach area whilst providing the required protection to infrastructure to manage public risk, asset replacement and maintenance impacts
- future construction is subject to external funding and transfer of Crown and Department for Environment and Water land to council for no consideration. Note that a report on the final detailed design will be provided to elected members at a future Council Meeting

Council subsequently approved the revised concept plan for detailed design and construction at its meeting held on 8 December 2020 subject to:

- external funding being secured and the land being transferred from the state government to council for no consideration
- construction being staged as follows: Stage 1 - aquatic user group facilities. Stage 2 - public realm including carpark and riverfront works.

3. *What is the projected costs increases from the time of the first Wearing Street concept plan until now?*

According to ABS figures non-residential construction costs in South Australia have increased by 77% since March 1999.

In the context of this market escalation the various iterations of the concept plan have also significantly changed in scope and cost. As an example, the increase in car park area replacing open space is at a higher unit cost and the expanded river front revetment walling that incorporates two access ramps is an increased scope and additional cost.

Stage 1 has an estimated cost of \$2.076 million with council contributing \$691,392 towards this cost.

Recent costs changes in Stage 1 can be attributed to a combination of inflation (an increase of over 10% since December 2020) and the further development of the design.

4. *How many expected community members will benefit from the stage one development; particularly the annual community reach of the lessee members?*

The Wearing Street Precinct is the entry statement to the Port Noarlunga township. It is highly visible when entering Port Noarlunga from the south with over 20,000 vehicles passing the adjoining Saltfleet Street bridge every day and is adjacent to Jubilee Park Playground where over 600,000 people visit per year.

The Department for Education operate its Port Noarlunga Aquatic program from Wearing Street offering some 600 lessons per day providing 10,000 students from over the State with critical water safety and enjoyment kayaking and paddle boarding on the stunning Onkaparinga River.

South Port Surf Life Saving Club has over 500 active members ranging from nippers to seniors.

The Onkaparinga Canoe Club has 45 financial members and the new development is critical to be able to store and provide equitable access to current and future participants.

5. *Is it common practice for council lessees to move out of well utilised facilities when the building they are occupying receives an upgrade?*

Yes, typically the cessation of use of a facility being upgraded is preferable for the efficiency of the construction program and to manage construction costs.

An alternative approach where areas of a facility remain in active use requires a staged construction program which is of a longer duration, complexity and significant cost increase.

Where feasible, alternative locations for the user operations may be available and can be facilitated by council, by booking arrangements or offset of fees.

6. *Does the development have a Section 23 approval and what was the time frame for this?*

Yes, Section 23 authorisation was granted on 13 March 2021. The application was submitted on 29 October 2019.

It took approximately 17 months for this approval to be granted.

10.5 QUESTIONS ON NOTICE – CR YEOMANS – WEARING STREET DEVELOPMENT

Regarding Stage 1:

As part of Stage 1, at a cost of \$93,000, Council completely funded the development of a structure that will be used to conduct the private business known as 'Easy Kayak'.

- *What tender process, if any, was undertaken to facilitate this business acquiring use of this council funded structure?*

Easy Kayaks is a long-standing commercial operator that activates the Port Noarlunga township providing watercraft for hire and tour groups along the river.

Easy Kayak's existing tenure is with the state government as the current owner of the land.

A transition of this arrangement to a short term (5-year) lease is proposed which reflects the existing good will and valued contribution to local tourism provided by the lessee whilst enabling the orderly transition of the lease to Council's standard lease practices.

Regarding Stage 2

Council has provided advice that the Stage 2 design review enables the First Nations People Advisory Group design input and bi-cultural mapping information to inform design.

- *Who instigated the need for bi lateral mapping?*
- *Who is conducting the bi-lateral mapping on behalf of Council?*
- *How much is this process going to cost the rate payer?*

The need to undertake bicultural mapping was determined through engagement with Council's First Nations People Advisory Group (FNPAG).

Consultation with the FNPAG and bi-cultural heritage mapping will assist council to acknowledge and recognise the cultural significance of this area and other sites of significance within the city.

Continued positive engagement with Kaurna also reinforces Council's commitment to develop and adhere to a Cultural Heritage Management Plan in delivering the project which is of significant importance to the State Government Section 23 approval process.

The cultural mapping is being undertaken by Aspect Studios (and involves CRED as a sub-consultant) at a cost of \$13,160 (ex GST).

It has been reported by Council that Stage 2 of this development will cost \$3,780,000.

- *What is the complete breakdown of this cost.*

Stage 2 comprises the following items:

Main open space area

- | | |
|---|-------------|
| • Site clearance, civil and services (including roadworks, site services, car parks, lighting and drainage) | \$1,482,800 |
| • Soft landscaping | \$391,600 |
| • Pavements, retaining walls and fencing | \$141,400 |
| • Furniture, signage and equipment | \$198,400 |
| • Structures and shelters | \$134,800 |
| • Public toilet | \$220,000 |

Riverbank Area

- | | |
|---|-----------|
| • Site clearance, civil and services | \$168,800 |
| | \$184,400 |
| • Beach landing area works | \$297,800 |
| • Rock revetment wall works | \$50,000 |
| • Cultural supervision (Kaurna monitors) as directed by State Government Section 23 | \$30,000 |
| • Public Art | |

Sub Total **\$3,300,000**

The above costs are informed by a cost estimate conducted in 2021 based on the concept design at that time.

Further design development will proceed once the Stage 2 concept plan has been resolved allowing the cost breakdown to be further refined.

In addition to the above costs, the estimated costs for revegetation and improvement of the sand dune area are as follows:

• Revegetation and restoration including weed removal	\$85,000
• Dune remediation and stabilisation	\$50,000
• Fencing	\$45,000
• Pathways and pedestrian connections	\$130,000
• Coastal themed bi-cultural feature	\$150,000
• Signage	\$20,000
Sub Total	\$480,000
Total	\$3,780,000

10.6 QUESTIONS ON NOTICE – CR PLATTEN – WEARING STREET DEVELOPMENT

1. *What is the expected cost of the Wearing street redevelopment stage 1 and what are the predicted cost increases from its previous budget?*

Stage 1 has an estimated cost of \$2.076 million with council contributing \$691,392 towards this cost.

Cost inflation has increased by approximately 10% since December 2020. The final cost increase will be determined in negotiation with the preferred builder.

2. *Was there a tender process for the leases of the new building? Were other community groups given an opportunity to be included?*

As the land is currently still under State ownership until the transfer has been completed, the current leasing agreements are still managed by the State Government.

Current agreements are historical, the users have been permitted to use the land and infrastructure for many years:

- The South Port Surf Life Saving Club, established in 1959, forms an integral part of the Port Noarlunga community. The Club has some 500 volunteer members that perform vital public safety and save lives along the South Port beach.
- The Department for Education's Port Noarlunga Aquatic Centre relies on Wearing Street to offer aquatic activities and water safety education to school students state-wide.
- The Onkaparinga Canoe Club, established in 1976, is a member of Paddle SA that caters for all ages for people who wish to compete, train or as a recreational activity.
- Easy Kayaks is a long-standing commercial operator that activates the Port Noarlunga township providing watercrafts for hire and tour groups along the river.

Long term leases (21 year) with the Department for Education and the South Port Surf Life Saving Club reflect that the lessees are providing significant financial investment into the construction of their respective facilities with a long-term lease required to secure this investment.

The agreement to transfer the State land to Council is based on the intention that Council will work with the existing tenants to deliver new facilities to support their aquatic activities. No tender process will take place for other community groups to be included.

3. *Were the Southport SLSC, Onkaparinga Canoe club or DECS ever given the option to build on William Hunt reserve?*

These groups have operated from Wearing Street for many years. Their facilities are dated and no longer meet their needs. This project seeks to replace them with modern facilities that support their continued community service and operations.

The possibility of building new facilities off River Road has been discussed with the Southport SLSC and they have indicated that they do not support it.

4. *Why are 25 year leases required for the lessees on this building? What are the consequences of a reduction in this timeframe on the lease?*

Long term leases with the Department for Education and the South Port Surf Life Saving Club reflect that the lessees are providing significant financial investment into the construction of their respective facilities with a long-term lease required to secure this investment.

Clubs contributing towards the cost of building the facilities have sought long term leases and public consultation has been undertaken on this basis (Department for Education 21 years and South Port Surf Life Saving Club 21 years). Long term leases will recognise these groups contribution to the new premises and allow them time to fully realise their investment.

Short term leases with the other existing lessees enable council to manage these in line with its other commercial and community lease arrangements.

Both the South Port Surf Life Saving Club and Department for Education (DE) provide significant community benefit and services, and council maintains long term strategic partnerships with the State Government and Surf Life Saving Clubs within our council area.

If Council do not support the recommendation for long term lease agreements, a renegotiation with SLSC / SAFECOM and DE would need to be undertaken and this may lead to withdrawal of funding and negative political and community feedback.

Delays to the commencement of construction work will lead to price increases and higher costs for council and other funding bodies.

5. *Have any studies been done to determine the impact this redevelopment will have on the surrounding sand dunes during and post construction, and what mitigation will the construction company put in place to reduce any negative impacts?*

The planning and design process has placed considerable focus on the environmental attributes of the site and minimising impacts. The design evolution has included adjustment of the planned building elements to minimise the likelihood of dune impact.

The complex and constrained site has required this to be considered alongside Kaurna and European cultural heritage, hydrology, user group needs and impact on adjoining landowners, amongst other factors.

At its meeting on 1 March 2022, in considering a confidential report regarding State Government land and funding, Council accepted \$480,000 in state government funding to deliver coastal dune restoration and improvement works on the land being transferred to council. This report has now been publicly released.

Our approach to the restoration and improvements works will be developed with Kaurna representatives and the local community. This is a great opportunity to deliver a coastal themed bi-cultural natural feature that may include specific planting and interpretive signage to create a meaningful environmental and educational experience for all.

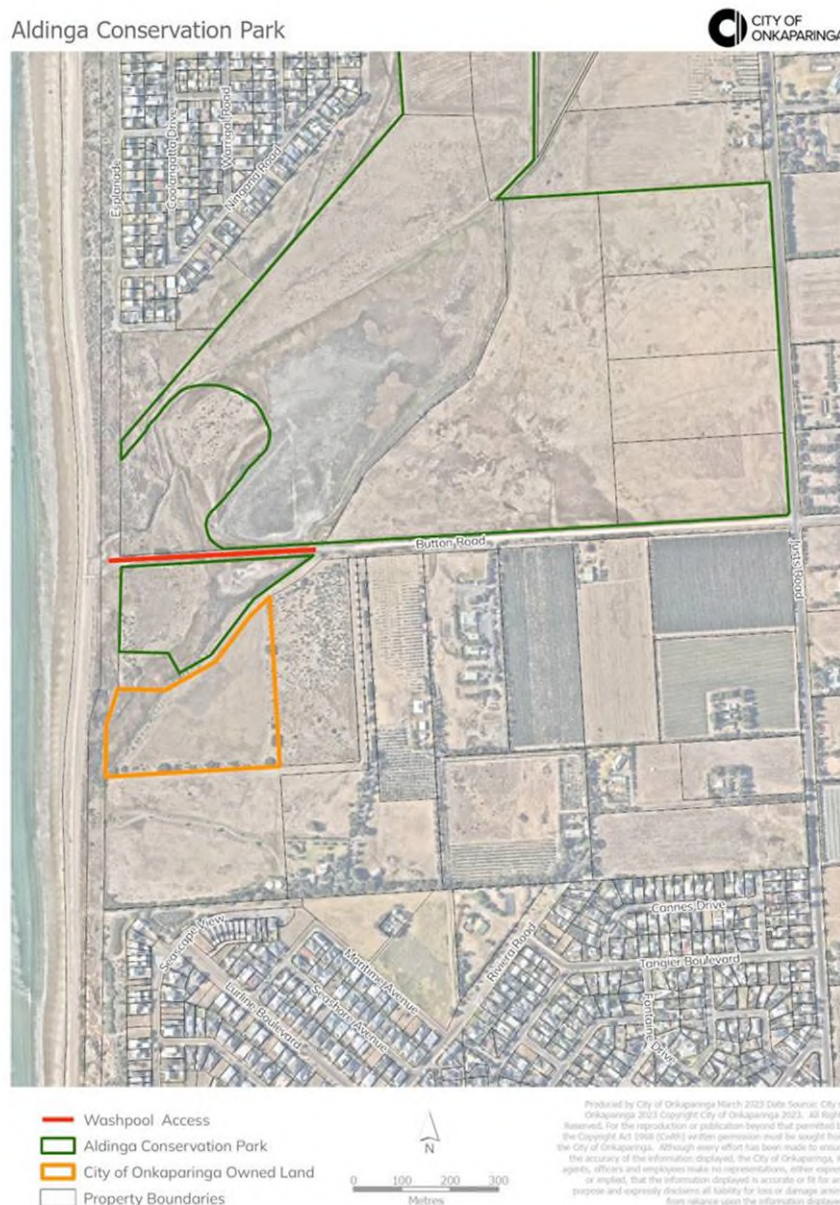
The state funded dune restoration and improvement works align with local resident support for coastal planting in the dunes.

10.7 QUESTIONS ON NOTICE – CR JEW – ALDINGA WASHPOOL

How many properties rely on the section of Button Road that runs through the Aldinga Washpool for access?

As per the map below, the section of Button Road that accesses the Aldinga Washpool is 351m. Should this section of road be closed, it would not affect access to private properties located on Button Road between Just Road and the western end car park.

This length of road, car park and beach access point is frequented by the local community, such as walkers, windsurfers, horse riders, fishers and for other recreational beach activities.



10.8 QUESTIONS ON NOTICE – CR BELL – RSPCA

Background

The RSPCA Lonsdale shelter closed its doors last week to members of the public for the first time in more than 40 years.

An underfunded charity, a freeze was placed on accepting animals being surrendered by the community due to the facility running over capacity.

Questions

Considering the RSPCA capacity crisis, can the chamber please be provided with the following information:

1. An update on the crisis and the perceived attributing factors.

The attached Media release was produced by the RSPCA SA on 10 March 2023. In it the RSPCA identify that they have exceeded their capacity, both in terms of space and personnel to care for animals. The shelter can accommodate 300 cats and kittens, but is currently housing 542. The 128 dogs and puppies is also above the shelter's capacity-to-care, which allows for a maximum of 80 canines.

Other factors identified by the RSPCA include:

- South Australia's rental crisis, with 178 animals surrendered to RSPCA SA in the past 12 months due to owners' inability to secure pet-friendly rental accommodation (Total surrendered – 1796)
- Tighter local council cat management laws, resulting in more stray cats being trapped and brought to the Lonsdale shelter from across the state
- Other welfare organisations closing their doors to stray and surrendered animals due to capacity constraints, resulting in more animals coming to RSPCA's Lonsdale shelter
- Ongoing indiscriminate breeding resulting in colonies of stray, semi-owned cats
- Ongoing failure of some cat owners to abide by current laws and desex their pets
- An increase in major seizures of animals by RSPCA inspectors from squalid animal hoarding situations, with felines the main species involved

Following their media release and the March long weekend, the RSPCA reported 80 animal adoptions and a further 101 animals in foster homes.

2. The historical partnership, funding and promotional programs the City of Onkaparinga provides in support of the RSPCA.

Council entered into a long term (10 + 10 year) agreement with the RSPCA last year to receive and rehome dogs and cats suitable for adoption.

At the time, the agreement formalised our long term relationship, noting the RSPCA has provided its services to council since the late 1970s.

Our agreement with the RSPCA provides certainty to the community that council is meeting its obligations under the Dog and Cat Management Act, while employing the expertise of South Australia's most experienced and trusted organisation for the management of stray dogs and cats.

Our agreement formalises the care and management of animals beyond detention to rehoming of animals suitable for adoption. For our ratepayers, the agreement represents a financially responsible outcome, for it would've been extremely costly to have built and run our own facility. For the RSPCA, the agreement helps to provide financial stability amid their \$26 million investment into a state-of-the-art animal care facility on Majors Road, O'Halloran Hill.

It is because of our agreement that the RSPCA is continuing to accept animals via our animal management officers (Rangers) from Onkaparinga Council.

3. *What more can we do to support the RSPCA during this crisis.*

In discussion with the RSPCA SA Head of Animal Operations, we are planning to collaborate on the promotion of adoption and foster requests across our social media platforms. We already amplify ad hoc RSPCA messages and items that directly impact our residents. However, we see an opportunity to promote fostering and adoption of animals into our community - animals that are temperament assessed, microchipped, desexed and vaccinated.



For Immediate Release

Friday 10 March 2023

MEDIA RELEASE

ADELAIDE, SA

Out of room - RSPCA SA forced to close the gate

Only taking in animals via inspectorate, rescue and contracted councils

For the first time since opening in 1979, RSPCA South Australia's Lonsdale shelter has been forced to turn-back people wanting to surrender their animals. The charity has exceeded its capacity, both in terms of space and personnel to care for the animals.

The shelter can accommodate 300 cats and kittens, but is currently housing 542. The 128 dogs and puppies, too, is well above the shelter's capacity-to-care model, which allows for a maximum of 80 canines. Transportable buildings and office space are all being used to house animals.

The freeze on accepting animals from members of the public begins today and will continue until the numbers in care decrease to the shelter's capacity-to-care maximum numbers. People wishing to surrender animals will have the option to go on a waiting list. (Further advice on options can be found at - <https://www.rspcasa.org.au/services/pet-surrender/>)

The only animals that will be taken in at the shelter will be those coming via the organisation's inspectorate and rescue team. Animals coming in via animal management officers from Onkaparinga, Marion and Holdfast Bay councils (with whom RSPCA SA has contractual arrangements to fund care and rehoming) will also be accommodated.

RSPCA SA CEO Marcus Gehrig said the decision has not been taken lightly, describing the situation as a perfect storm that has led to enormous numbers of animals arriving at the shelter in the past 12 months.

"We currently have 1413 animals in care across the state - that is 357 (34%) more than we had at this time last year, and more than half of them are at our Lonsdale shelter," Mr Gehrig said.

"Our shelter staff and volunteers have been overstretched for months, and the huge toll it's taking on them as they strive to ensure every single animal receives the care it needs, is unacceptable.

"We are an underfunded charity - this is a crisis where we have to act now because we're simply out of room."

The huge number of animals in care is attributed to the following factors:

- South Australia's rental crisis, with 178 animals surrendered to RSPCA SA in the past 12 months due to owners' inability to secure pet-friendly rental accommodation (Total surrendered - 1796)
- Tighter local council cat management laws, resulting in more stray cats being trapped and brought to the Lonsdale shelter from across the state
- Other welfare organisations closing their doors to stray and surrendered animals due to capacity constraints, resulting in more animals coming to RSPCA's Lonsdale shelter
- Ongoing indiscriminate breeding resulting in colonies of stray, semi-owned cats
- Ongoing failure of some cat owners to abide by current laws and desex their pets
- An increase in major seizures of animals by RSPCA inspectors from squalid animal hoarding situations, with felines the main species involved

"We're doing all we can to rehome animals, and we're adopting animals at record numbers, but every day the incoming number is significantly exceeding the outgoing number," Mr Gehrig said.

"For example, last week we rehomed 68 animals, but we had an additional 122 come in.

"We find new homes for nine out of every ten animals that come to us, and as a responsible rehoming organisation we will continue to rehome every animal in our care that has the prospect of a good life ahead and that doesn't pose a risk to public safety.

"I urge our community to help us through this crisis by giving an animal a home and using whatever resources are available to them to find homes for animals they can no longer care for.

"More broadly, we need more local councils to follow the lead of Onkaparinga, Marion and Holdfast Bay councils in recognising their responsibility under the Dog and Cat Management Act to manage stray cat populations in their districts.

"The adoption of recommendations made in the RSPCA/Animal Welfare League [Cat Management Plan](#) is critical.

"And we need the current review of the Residential Tenancies Act to urgently address South Australia's pet-friendly rental accommodation shortage, for the welfare of humans and animals."

Available animals can be viewed online at -

rspcasa.org.au/adopt-a-pet/

****Appointments are no longer required to adopt animals from RSPCA Lonsdale.****

RSPCA SA adoption locations:

Lonsdale - RSPCA - 25 Meyer Rd - open weekdays 10am-4pm and weekends 10am to 3pm

Petbarns

- **Hendon** - 113-115 Tapleys Hill Rd, Hendon. Ph 7087 2216
- **Holden Hill** - 1/578 North East Road, Holden Hill. Ph 7087 2225
- **Melrose Park** - Melrose Plaza - 9/1031 South Rd, Melrose Park. Ph 7087 2229
- **Mile End** - 122-138 Railway Tce - Homemaker Centre, Mile End. Ph 8351 8130
- **Noarlunga** - 84 Dyson Rd, Noarlunga Centre. Ph 7087 2219
- **Norwood** - 31 The Parade, Norwood. Ph 8363 3255
- **Prospect** - 3/252 Churchill Rd, Prospect. Ph 7087 2222
- **Seaford** - Seaford Central Shopping Centre cnr Commercial Rd and The Parade. Ph 6500 3004

If unable to adopt, please consider fostering an animal. All care costs are covered.

For more information - [FosterCare \(rspcasa.org.au\)](https://rspcasa.org.au)

For all the latest RSPCA South Australia news, follow us on [Facebook](#) and [Twitter](#) or head to our [website](#)

For more information, or an interview with an RSPCA spokesperson, please contact:

Carolyn Jones, Media Relations Manager - RSPCA South Australia
Email: cjones@rspcasa.org.au
Mobile: 0411 646 076

11. Motions on notice

11.1 NOTICE OF MOTION – CR THEMELIOTIS – DOMESTIC VIOLENCE PREVENTION HUB IN THE SOUTH

MOVED Cr Themeliotis.

That the Mayor write to the State Government for an update on when the Domestic Violence Prevention Hub will be delivered and operating in the South.

Seconded by Cr Eaton.

CARRIED

11.2 NOTICE OF MOTION – CR JEW – ALDINGA WASHPOOL

MOVED Cr Jew.

To align with the Aldinga Conservation Park Management Plan that is being developed by the South Australian Government it would be valuable for the City of Onkaparinga to provide a report to Council by September 2023 to undertake the following:

- a) Consultation to determine residents' perception of the need for the western section of Button Road that runs through the Aldinga Washpool*
- b) An engagement with the First Nations People Advisory Group on their position of Button Road*
- c) An analysis of the volume of traffic utilising the western end of Button Road.*
- d) If alternative access to the beach could be identified for residents*

Seconded by Cr Bell.

CARRIED

12. Petitions

Nil.

13. Urgent business

Nil.

14. Confidential items

14.1 TIER 1 EVENT

1. *Exclusion of the public*

MOVED Cr Bell.

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 staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. *the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:*
Section 90(3)(j) information the disclosure of which,
 - (i) *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the Council); and*
 - (ii) *would, on balance, be contrary to the public interest;*
- 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 Stafford.

CARRIED

2. *Confidential resolution*

3. *Period of confidentiality and delegations*

MOVED Cr Greaves.

- a. *That the matter of the Tier 1 Event having been considered by the Council in confidence under sections 90(2) and 90(3)(j) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the agenda report, related attachments, discussion and minutes of the Council relating to discussion of the subject matter be kept confidential until 31 July 2023.*
- b. *That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. *That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Platten.

CARRIED

14.2 WATER ASSETS STRATEGIC REVIEW – PROJECT UPDATE

1. Exclusion of the public

MOVED Cr Platten.

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 staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. *the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:*

Section 90(3)(b) information the disclosure of which:

- (i) could reasonably be expected to confer a commercial advantage on a person with whom council is conducting business or to prejudice commercial position of the council; and*
- (ii) would, on balance, be contrary to the public interest.*

The matter is to be considered in confidence as it includes information relating to the water assets Request for Proposal (RFP) process and contains information that, if disclosed, may impact on the probity of the process and the commercial positions of council and the participants.

- 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 Bell.

CARRIED

2. Confidential resolution

3. Period of confidentiality and delegations

MOVED Cr Greaves.

- a. *That the matter of Water Assets Strategic Review Update having been considered by the Council in confidence under sections 90(2) and 90(3)b of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the agenda report, related attachments, discussion and minutes of the Council relating to the subject matter be kept confidential until all commercial aspects of the Water Assets Strategic Review project have been finalised, with the exception of:*
 - the outcomes of phase two engagement undertaken in 2022, noting these have previously been released from confidence*
 - the asset fact sheets (Attachment 3) which are public documents*
 - details of the proposed community reference group once finalised, following the appointment of specialised appointment.*
- b. *That, pursuant to section 91(9)(a) of the Local Government Act 1999, the Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub delegate.*
- c. *That, pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub delegate.*

Seconded by Cr Wilkes.

CARRIED

14.3 LEGAL SERVICES SUMMARY

1. Exclusion of the public

MOVED Cr Platten.

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 staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. *the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:*

Section 90(3)(h) legal advice

and

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;

The information to be received, discussed or considered in relation to this agenda report is information relating to:

- *actual litigation involving the Council concerning appeals, enforcement actions or negotiations before various Courts, and*
 - *development proposals where the legal advice concerning these matters will be discussed.*
- 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 Stafford.

CARRIED

2. Confidential resolution

3. Period of confidentiality and delegations

MOVED Cr Stafford.

- a. *That the matter of Legal Services Summary having been considered by the Council in confidence under sections 90(2) and 90(3)(h) and (i) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the agenda report, and discussion of the Council relating to the subject matter be kept confidential until all the matters referred to in the agenda report are finalised.*
- b. *That, pursuant to section 91(9)(a) of the Local Government Act 1999, the Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub delegate.*
- c. *That, pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub delegate.*

Seconded by Cr Bell.

CARRIED

Mayor Were reopened the meeting to the public at 9.38pm.

15. Closure

Mayor Were officially declared the meeting closed at 9.38pm.

*Certified Correct*Chair

/ /2023