



Minutes

Committee Victor Harbor Council

Meeting Held 16 DECEMBER 2019 at 5:30pm

Location Council Chambers, 1 Bay Road, Victor Harbor

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1. PRESENT

Mayor M Jenkins (Chair)
Councillor Brayden Mann
Councillor Tim Glazbrook
Councillor Bryan Littlely (*Arrived at 6.44pm*)
Councillor Nick Hayles
Councillor Marilyn Henderson
Councillor Peter Charles
Councillor Carol Schofield
Councillor David Kemp
Councillor Andrew Robertson

In Attendance:

Ms Victoria MacKirdy – Chief Executive Officer
Mr Graham Pathuis – Director Planning & Regulatory Services
Mr Glenn Sanford – Director Environment & Infrastructure
Ms Karen Rokicinski – Director Corporate & Customer Service
Ms Kellie Knight-Stacey – Group Manager – Governance & Finance
Ms Michelle James – Communications Officer
Ms Karina Overall – Executive Assistant (Minute Secretary)

2. LOCAL GOVERNMENT PRAYER & ACKNOWLEDGEMENT

Acknowledge Country

We acknowledge the traditional custodians of our beautiful lands and surrounding waters, the Ramindjeri and Ngarrindjeri people. As a community we recognise and respect their cultural connection with the land and waters.

Prayer

Almighty God, we ask you to bless this council and allow it to be an agent of change to the people of this City and beyond. Direct and prosper its deliberations to the honouring of Your name and the welfare of the people whom it serves. Amen

Service Acknowledgement

We gratefully acknowledge the men and women of the Navy, Army and Air Force who made the Supreme Sacrifice in the preservation of Australia's freedom and democracy, we also proclaim our gratitude to those who returned to us.

3. APOLOGIES & LEAVE OF ABSENCE

Nil.

Schedule 1 of the ICAC Act provides a list of public officers.

Public officers have obligations to report certain conduct to the OPI. Public officers can also be the subject of a complaint or report to the OPI and can be investigated by the Commissioner.

Public officers include:

- Members of the South Australian Parliament
- Members of the South Australian judiciary
- South Australia Police officers
- public service employees
- Councillors
- Council employees
- persons contracted to perform work for a public authority or the Crown

9. PETITIONS

Nil

10. OFFICE OF CHIEF EXECUTIVE OFFICER

10.1. Finance

10.1.1 Long Term Financial Plan - 2020 to 2029

OC8262019 Moved: Cr Nick Hayles
Seconded: Cr Marilyn Henderson

That Council receive and note the 2020 to 2029 Long Term Financial Plan report.

CARRIED UNANIMOUSLY

OC8272019 Moved: Cr Marilyn Henderson
 Seconded: Cr Carol Schofield

That Council adopt the 2020 to 2029 Long Term Financial Plan noting that it will be updated when decisions are made that significantly affect the long term objectives and/or annually after the adoption of each annual budget.

6.07pm

AMENDMENT

OC8282019 Moved: Cr Andrew Robertson
 Seconded:

That Council adopt the 2019/20 to 2028/29 Long Term Financial Plan.

LAPSED FOR WANT OF A SECONDER

*The Mayor put the original motion (OC8272019) and it was
CARRIED ON THE CASTING VOTE OF THE MAYOR*

6.10pm *Cr David Kemp raised a point of order stating that it was not necessary for the Mayor to provide a lengthy explanation on her decision to vote for the original motion.*

6.11pm *Mayor Moira Jenkins overruled the point of order*

OC8292019 Moved: Cr David Kemp
 Seconded: Cr Tim Glazbrook

That the ruling on the point of order by the Mayor in relation to her explanation on the decision to vote for the motion is not agreed with.

CARRIED ON THE CASTING VOTE OF THE MAYOR

6.15pm

A division was called (on OC8272019)

The Mayor declared the vote be set aside

FOR: *Cr Nick Hayles, Cr Brayden Mann, Cr Marilyn Henderson, Cr Carol Schofield and Mayor Moira Jenkins*

AGAINST: *Cr Andrew Robertson, Cr Peter Charles, Cr David Kemp and Cr Tim Glazbrook.*

The Mayor declared the motion (OC8272019)

CARRIED ON THE CASTING VOTE OF THE MAYOR

10.1.2 Mandatory Council Rate Rebate Application - McCracken Views

OC8302019 Moved: Cr Peter Charles
 Seconded: Cr Carol Schofield

That Council receive and note the report on Mandatory Council Rate Rebate Application from McCracken Views

CARRIED UNANIMOUSLY

OC8312019 Moved: Cr Peter Charles
 Seconded: Cr Marilyn Henderson

That;

- (i) Council approve the mandatory 75% Community Services Rebate pursuant to Section 161 of the Local Government Act 1999 for the 2019/20 financial year for A13096, 31 Adelaide Road McCracken SA 5211; and
- (ii) Council approve a budget increase of \$16,500 to job #762081 (Rates General Mandatory Rebates) and \$400 to job #762092 (Rates Separate NRM Rebates)

CARRIED

10.1.3 Discretionary Council Rate Rebate Application - Women's and Children's Hospital Foundation Incorporated

OC8322019 Moved: Cr Carol Schofield
 Seconded: Cr Andrew Robertson

That Council receive and note the report on Discretionary Council Rate Rebate Application for Women's and Children's Hospital Foundation Incorporated.

CARRIED UNANIMOUSLY

OC8332019 Moved: Cr Nick Hayles
 Seconded: Cr Marilyn Henderson

That

- (i) Council approve the discretionary 75% rebate pursuant to Section 166 of the Local Government Act 1999 for the 2019/20 financial year for A13450, 18-20 Central Drive Victor Harbor SA 5211; and
- (ii) Council approve a budget increase of \$2,800 to job #762082 (Rates General Discretionary Rebates) and \$100 to job #762092 (Rates Separate NRM Rebates).

CARRIED

CARRIED UNANIMOUSLY

CARRIED UNANIMOUSLY

CARRIED UNANIMOUSLY

10.3. Governance

10.3.1 South Australian Regional Organisation of Councils Strategic Plan 2019-2023 and Annual Business Plan 2019/20

OC8372019 Moved: Cr Peter Charles
 Seconded: Cr Marilyn Henderson

That Council receive and note the request to review the South Australian Regional Organisation of Council (SAROC) Strategic Plan 2019-2023 and Annual Business Plan 2019/20.

CARRIED UNANIMOUSLY

OC8382019 Moved: Cr Peter Charles
 Seconded: Cr David Kemp

That Council submit the following feedback to the Local Government Association Director Policy, Stephen Smith by Friday, 10 January 2020:

-) Quick and reliable communication is essential (Blackspot communications)
-) Highlight the importance of increased recycling
-) Prioritise issues related to Regional Council's
-) Examine the use of shared services and working together regionally

CARRIED

10.4. General

10.4.1 Outstanding Resolutions - December 2019

OC8392019 Moved: Cr Peter Charles
 Seconded: Cr Marilyn Henderson

That Council receive and note the Outstanding Resolutions December 2019 report.

6.44pm *Cr Bryan Littlely entered the Chamber and took his seat.*

CARRIED UNANIMOUSLY

11. COMMUNITY AND DEVELOPMENT

11.1. Activation and Planning

11.1.1 2020 Victor Harbor Rock n' Roll Festival Transition Plan

OC8402019 Moved: Cr Marilyn Henderson
 Seconded: Cr Carol Schofield

That Council receive and note the 2020 Victor Harbor Rock n Roll Festival Transition Plan report.

CARRIED UNANIMOUSLY

OC8412019 Moved: Cr David Kemp
 Seconded: Cr Peter Charles

That Council commence dialogue to transition the Victor Harbor Rock n Roll Festival to operate under the control of Business Victor Harbor and/or the Historic Motor Vehicles Club, subject to endorsement by the Historic Motor Vehicle Club management committee.

7.13pm

FORMAL MOTION

OC8422019 Moved: Cr Tim Glazbrook
 Seconded: Cr Bryan Littlely

That the question be put.

CARRIED

*The Mayor put the original motion (OC8412019) and it was **LOST***

OC8432019 Moved: Cr Nick Hayles
 Seconded: Cr Carol Schofield

That Council commence plans to transition the Victor Harbor Rock n Roll Festival to operate under the control of the Historic Motor Vehicles Club, subject to endorsement by the Historic Motor Vehicle Club Management Committee.

CARRIED

OC8442019 Moved: Cr Marilyn Henderson
 Seconded: Cr Brayden Mann

That Council endorse a pre-budget commitment of \$27,500 in the 2020/21 Annual Business Plan and Budget to support the delivery of the 2020 Victor Harbor Rock n Roll Festival.

CARRIED UNANIMOUSLY

11.1.3 2020 Arts and Culture Grants Program - call for applications

OC8492019 Moved: Cr Brayden Mann
 Seconded: Cr Carol Schofield

1. That Council receive and note the 2020 Arts and Culture Grants Program – call for applications report.
2. That Council call for applications for the 2020 Arts and Culture Grant Program.
3. That Council appoint the Arts and Culture Advisory Group to assess the 2020 Arts and Culture grant applications and provide recommendations to Council.

CARRIED UNANIMOUSLY

7.35pm *Cr David Kemp sought leave of the meeting to bring forward item 13.1.2 for consideration prior to item 11.1.4.*

13.1.2 Warland Reserve - Turf Trial

OC8502019 Moved: Cr Carol Schofield
 Seconded: Cr Nick Hayles

1. That Council receive and note the Warland Reserve, Turf Trial report.
2. That the current turf trials be continued and that any decision on either changing to one of the two new turf varieties or continuing to use Kikuyu turf be deferred until the 2020/21 financial year to ensure sufficient trial time has occurred to allow Council to make an informed decision.

CARRIED UNANIMOUSLY

11.1.4 2019/20 Budget Amendment - Development Assessment

OC8512019 Moved: Cr David Kemp
 Seconded: Cr Marilyn Henderson

That Council receive and note the report of 2019/20 Budget Amendment – Development Assessment.

CARRIED

OC8522019 Moved: Cr David Kemp
 Seconded: Cr Peter Charles

That Council increase Job No # 60585 (Plan Strategic Expenses) to \$36,000 in the 2019/20 budget to support the necessary training, technology and resources requirements under the new planning system; and that the increase be offset by budgeted funds from Job No.# 60565 (Plan DPA Expenses) .

CARRIED

11.2. Public Safety and Regulatory

11.2.1 Carrickalinga House - Provision of Accessible Car Parking Spaces

OC8532019 Moved: Cr Marilyn Henderson
 Seconded: Cr Carol Schofield

That Council receive and note the report on Carrickalinga House – Provision of Accessible Car Parking Spaces.

CARRIED UNANIMOUSLY

OC8542019 Moved: Cr Marilyn Henderson
 Seconded: Cr Carol Schofield

That Council increase job no. 61381 (Parking Other Expenses – 61381) by \$1,400 to provide for materials and completion of works associated with the accessible car parking spaces within the private car park on Hill Street, Victor Harbor owned by Victor Harbor Property Investments Pty Ltd.

CARRIED UNANIMOUSLY

11.3. Community Services

11.3.1 Statistics for crimes against the person and crimes against property for Victor Harbor for 2018/19

OC8552019 Moved: Cr Nick Hayles
Seconded: Cr Brayden Mann

That Council receive and note the report on 2018/19 statistics for crimes against the person and crimes against property for Victor Harbor.

CARRIED

12. CORPORATE AND CUSTOMER SERVICES

12.1. People and Culture

12.2. Information

12.3. Library and Customer Service

12.4. Business Units

20.1 Motion on Notice - Revoke OC4812019 - Beachside Market Licence Renewal - Cr Peter Charles

CARRIED UNANIMOUSLY

CARRIED

CARRIED

20.3 Motion on Notice - Climate Emergency Declaration - Cr Marilyn Henderson

OC8592019 Moved: Cr Carol Schofield
 Seconded: Cr Marilyn Henderson

That Council receive and note the Motion on Notice report regarding the climate emergency declaration.

CARRIED UNANIMOUSLY

OC8602019 Moved: Cr Marilyn Henderson
 Seconded: Cr Carol Schofield

That Council:

- i. notes that the Federal government's latest greenhouse gas emissions data shows Australia's total greenhouse gas emissions have increased compared to 2012, not decreased;
- ii. recognises the vulnerability of its community with respect to wellbeing, safety, and economic security due to the impacts of climate change;
- iii. reaffirms its commitment to both mitigating against and adapting to the adverse impacts of climate change within the City of Victor Harbor;
- iv. be part of the growing number of local government/councils in Australia and worldwide who are declaring/acknowledging that we face a Climate Emergency and who are both accelerating and giving priority to policy and actions that will provide for both mitigation and adaptation in response to accelerating global warming and climate change;
- v. investigates new opportunities beyond the current budget cycle, to ensure the City of Victor Harbor is climate ready and heat prepared, including improving water resilience and protection of coastal and agricultural communities;
- vi. undertakes a review of climate change mitigation and adaptation actions delivered by the City of Victor Harbor to date and receives costed recommendations in regard to potential tangible actions that the City of Victor Harbor could seek to prioritize in the short to medium term.
- vii. acknowledges that more action is required by all levels of government globally to tackle climate change;
- viii. requests the CEO write to State and Federal Members of Parliament which represent the Southern & Hills Council region, advising them of Council's resolution and request they also act with urgency to address climate change.

CARRIED

9.13pm

A division was called

The Mayor declared the vote be set aside

FOR: *Cr Nick Hayles, Cr Brayden Mann, Cr Marilyn Henderson, Cr Andrew Robertson, Cr Peter Charles, Cr Bryan Littlely and Cr Carol Schofield.*

AGAINST: *Cr David Kemp and Cr Tim Glazbrook*

The Mayor declared the motion **CARRIED**

13. ENVIRONMENT AND INFRASTRUCTURE SERVICES

13.1. Property, Environment and Recreation

13.1.1 Revocation of Community Land Status - Road Side Buffer Reserves - Welch Road

OC8612019 Moved: Cr Nick Hayles
 Seconded: Cr Andrew Robertson

- 1 That Council receive and note the report on the proposed revocation of community land status for the road side buffer reserves identified as allotments 35, 40, 41 and 62 Welch Road Hindmarsh Valley.
2. That Council commence a community land revocation process for the four road side buffer allotments identified as:
 -) Lot 35, DP 57904, CT5893/207; and
 -) Lot 40, DP 118328, CT6216/952; and
 -) Lot 41, DP 118328, CT6216/953; and
 -) Lot 62, DP 113686, CT6187/253.
3. That Council staff prepare a Community Land Revocation Report and conduct public consultation for the proposed revocation as required by section 194(2) of the Local Government Act 1999.
4. In the event that are no objections or recommendations that need consideration by Council are received at the conclusion of the public consultation, Council authorise the administration to submit the appropriate revocation documentation to the Minister for endorsement.

CARRIED

13.1.3 Recreation and Sport Small Grants Program 2019/20 - Individual Grant Application

OC8622019 Moved: Cr Brayden Mann
 Seconded: Cr Bryan Littlely

1. That Council receive and note the report on the Recreation and Sport Small Grants Program 2019/20 Individual Grant Application.
2. That Council endorse the following individual grant from the Recreation and Sport Small Grants Program 2019/20:

Samara Sanders – National Cheerleading Competition for the amount of \$400

CARRIED UNANIMOUSLY

13.2. Operations

13.3. Infrastructure

13.3.1 Review of the Footpath and Pedestrian Strategy

9.27pm *In accordance with Council's Discretionary Meeting Practices Mayor Moira Jenkins determined the meeting had been in progress for a period of four hours and called for a motion to continue with the remaining business or adjourn the meeting.*

OC8632019 Moved: Cr Carol Schofield
Seconded: Cr Brayden Mann

That Council continue with the remainder of business on the agenda.

CARRIED

OC8642019 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

1. That Council receive and note the report on the review of the Footpath and Pedestrian Strategy.
2. That Council proceed with public consultation on the review of the Footpath and Pedestrian Strategy and that a further report be presented to Council for consideration of any submission received and for adoption of the updated strategy.

CARRIED UNANIMOUSLY

14. MINUTES OF COUNCIL COMMITTEE MEETINGS

14.1 Fleurieu Region Community Services Advisory Committee Minutes - 12 November 2019

OC8652019 Moved: Cr Andrew Robertson
 Seconded: Cr Marilyn Henderson

That Council receive and note the minutes of the Fleurieu Region Community Services Advisory Committee held 12 November 2019.

CARRIED UNANIMOUSLY

OC8662019 Moved: Cr Marilyn Henderson
 Seconded: Cr Carol Schofield

That;

- (i) planning for the 2020 Flourishing on the Fleurieu Festival commence to allow adequate time to promote the event with community groups, and for the subsequent processing of the small grants, registration of events, development of the Festival Program, and broad promotion of the Festival, and
- (ii) in March 2020 community groups be invited to lodge expressions of interest for small grants to support the hosting of activities as a part of the 2020 Flourishing on the Fleurieu Festival, and
- (iii) an amount of \$6,500 be provided in the 2020/21 budget (Job Number 38583 Aged Other Projects) to enable the 2020 Flourishing on the Fleurieu Festival to proceed.

CARRIED UNANIMOUSLY

OC8672019 Moved: Cr Carol Schofield
 Seconded: Cr Brayden Mann

That the expressions of interest from Laneway Youth Inc for \$2,500 for Youth Mental Health First Aid Training be recommended to the Country SA Primary Health Network for consideration under the Local Health Cluster Small Grants Program.

CARRIED UNANIMOUSLY

OC8682019 Moved: Cr Carol Schofield
 Seconded: Cr Marilyn Henderson

That a letter of thanks be sent to Elizabeth Kennedy, Regional Manager Country SA Primary Health Network, wishing her well in her retirement and thanking her for her contribution to the Fleurieu Region Community Services Advisory Committee and the region more generally.

CARRIED UNANIMOUSLY

14.2 City Activation and Strategic Planning Advisory Committee Minutes - 10 December 2019

OC8692019 Moved: Cr Nick Hayles
 Seconded: Cr Andrew Robertson

That Council receive and note the minutes of the City Activation and Strategic Planning Advisory Committee meeting held 10 December 2019.

CARRIED UNANIMOUSLY

14.3 Fleurieu Region Community Services Advisory Committee Minutes - 10 December 2019

OC8702019 Moved: Cr Peter Charles
 Seconded: Cr Nick Hayles

That Council receive and note the minutes of the Fleurieu Region Community Services Advisory Committee held 10 December 2019.

CARRIED UNANIMOUSLY

15. SUBSIDIARIES AND REPRESENTATIVE REPORTS

15.1. Subsidiaries

15.2. Representative Reports

15.2.1 Representative Reports - December 2019

OC8712019 Moved: Cr Nick Hayles
 Seconded: Cr Peter Charles

That Council receive and note the Representative Reports for December 2019

CARRIED UNANIMOUSLY

of Council with regard to the FYFE Report – presented to Council on 28 May 2018 – Item 16.3.5 (Attachment B). Reference should also be made to the Report to Council on 24 September 2018 – Item 16.3.4. (Attachment C) In which reference is made to Lot 25, in considering that report the Council chose not to continue investigations.

Question – Who provided (wrote) the terms of reference for the investigation and was there consultation with others beforehand?

Response – The terms of reference was prepared by the Chief Executive Officer - Victoria MacKirdy in consultation with Elected Members, Norman Waterhouse Lawyers and members of the Community who had expressed an interest in the review.

Question – If there was consultation on the terms of reference, who was consulted other than council members voting to accept the recommendation?

Response – Please refer to the above response.

Question – I am unable to find the \$20,000 FYFE report on council's website for community viewing could you please advise where to find it?

Response – Refer Council Meeting 24 September 2018 – Report Item 16.3.4. The FYFE Report is attached.

19. QUESTIONS WITHOUT NOTICE

20. MOTIONS ON NOTICE

20.2 Motion on Notice - Community Garden - 44 Adelaide Road, McCracken

OC8742019 Moved: Cr Marilyn Henderson
 Seconded: Cr Bryan Littlely

That Council receive and note the Motion on Notice report regarding the establishment of a community garden at 44 Adelaide Road, McCracken.

CARRIED

action in regard to allegations, imputation of wrongdoing and possible defamation. I personally believe this to be a veiled threat directed at myself, effectively warning me to back off from my scrutiny and questioning on an issue that was being fought out long before I became an Elected Member. If this is the case then I take offence to being, what I believe to be, threatened for my lawful actions and responsibilities to the community as an Elected Member.

OC8772019 Moved: Cr Peter Charles
 Seconded: Cr Andrew Robertson

That Council await the outcome of the independent investigation of the Crozier Hill Estate Development, currently being undertaken by Mr Andrew Harris QC, on behalf of the Local Government Mutual Liability Scheme.

CARRIED

20.5 Motion on Notice - Meeting procedures at Ordinary Meeting of Council 22 July 2019 - Cr Peter Charles

OC8782019 Moved: Cr Andrew Robertson
 Seconded: Cr Peter Charles

That Council receive and note the Motion on Notice report regarding meeting procedures at the Ordinary Meeting of Council 22 July 2019.

CARRIED

OC8792019 Moved: Cr Peter Charles
 Seconded: Cr David Kemp

That, the matter be referred to the minister of Local Government the Honourable Stephan Knoll MP for Crown Law advice, along with all the supporting documentation provided by Cr Charles.

LOST

21. MOTIONS WITHOUT NOTICE

21.1 Motion without Notice - Note Accepters on Poker Machines - Cr Peter Charles

OC8802019 Moved: Cr Peter Charles
 Seconded: Cr Bryan Littlely

That the Mayor write to the Member for Finniss – Mr David Basham to express our Council's disappointment at the passing of legislation allowing note accepters on poker machines. We believe that the legislation will further serve to impact the social fabric of our district, further degrade the wellbeing of families in an area where opportunities for employment, and average income are already lower than the state average.

CARRIED UNANIMOUSLY

21.2 Motion without Notice - Item 20.4 Personal Explanation - Cr Peter Charles

OC8812019 Moved: Cr Peter Charles
 Seconded: Cr David Kemp

That Cr Peter Charles personal explanation in relation to item 20.4 – Notice of Motion – Crozier Hill Estate Planning Review, be recorded in the Minutes.

CARRIED

22. CONFIDENTIAL ITEMS

10.30pm Mayor Moira Jenkins determined item 22.5 should be brought forward and considered prior to item 22.1.

22.5 CONFIDENTIAL - McKinlay Street Parking Precinct Update

OC8822019 Moved: Cr Nick Hayles
 Seconded: Cr Andrew Robertson

Pursuant to Section 90(2) of the Local Government Act 1999, the public be excluded from attendance at the meeting for this agenda item, with the exception of the Chief Executive Officer (Victoria MacKirdy), Director Community and Development (Graham Pathuis), Director of Environment and Infrastructure (Glenn Sanford), Director of Corporate and Customer Service (Karen Rokicinski), Group Manager Governance and Finance (Kellie Knight-Stacey) and Executive Assistant (Karina Overall).

That Council is satisfied that, pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to the agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the

commercial position of the Council.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in these circumstances because the information could jeopardise the commercial position of third parties.

LOST

OC8832019 Moved: Cr Tim Glazbrook
 Seconded: Cr Andrew Robertson

That Council undertake public consultation regarding potential options for a multi deck carpark and paid parking in central Victor Harbor.

CARRIED UNANIMOUSLY

OC8842019 Moved: Cr Marilyn Henderson
 Seconded: Cr Andrew Robertson

That Council receive and note the McKinlay Street Parking Precinct Update report.

CARRIED

OC8852019 Moved: Cr Carol Schofield
 Seconded: Cr David Kemp

That Council negotiate and prepare a Developer Contribution Agreement (or similar appropriate legal agreement) with the Anchorage Development proponent, for the purpose of achieving mutually beneficial outcomes for both parties with respect to a car park development on McKinlay Street.

CARRIED UNANIMOUSLY

OC8862019 Moved: Cr Tim Glazbrook
 Seconded: Cr Brayden Mann

That Council commence a process that seeks 'design and construct' type proposals from the private development sector that considers the elements outline under 'potential site use and design considerations' and 'timeframes' portions of this report; inclusive of private funding and delivery opportunities, and ongoing operational and business modelling.

CARRIED UNANIMOUSLY

- (i) having considered Agenda Item 2020 Australia Day Awards Recipients in confidence under Section 90(2) and (3)(g) of the Local Government Act 1999, the Council pursuant to Section 91(7)(b) and 9(a) of that Act Council orders that the report, discussion and resolutions be retained in confidence until the successful award recipients have been officially notified or otherwise determined by the Chief Executive Officer; and
- (ii) the public be readmitted to the meeting.

22.2 CONFIDENTIAL - Fleurieu Regional Aquatic Centre Authority Management Options

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

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OC8922019	<i>Retained in Confidence</i>	
OC8932019	<i>Retained in Confidence</i>	
OC8942019	<i>Retained in Confidence</i>	
OC8952019	<i>Retained in Confidence</i>	
OC8962019	Moved:	Cr Carol Schofield
	Seconded:	Cr Andrew Robertson

That having considered Agenda Item 22.2 Fleurieu Regional Aquatic Centre Authority Management Options in confidence under section 90(2) and (3)(b)(i)(ii) of the Local Government Act 1999, the Council, pursuant to section 91(7)(b) and (9)(a) of the Local Government Act 1999, orders that:

The Agenda, minutes, audio recording, report, attachments, associated documents" as applicable of the Council meeting held on 16 December 2019 in relation to Agenda Item 22.2 Fleurieu Regional Aquatic Centre Authority Management Options, are to remain confidential and will not be available for public inspection for the period of 12 months on the basis that disclosure of information would disclose section 90(3)(b)(i)(ii) or otherwise determined by the Chief Executive Officer.

CARRIED UNANIMOUSLY

22.3 CONFIDENTIAL - City Activation and Strategic Planning Advisory Committee meeting minutes - 10 December 2019

OC8972019 Moved: Cr Carol Schofield
 Seconded: Cr Peter Charles

That pursuant to Section 90(2) of the Local Government Act 1999, the public be excluded from attendance at the meeting for this agenda item, with the exception of the Chief Executive Officer (Victoria MacKirdy), Director Corporate and Customer Service (Karen Rokicinski), Director Community and Development (Graham Pathuis), Director Environment and Infrastructure (Glenn Sanford), Group Manager Governance and Finance (Kellie Knight-Stacey) and Executive Assistant (Karina Overall).

That Council is satisfied that, pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to the agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council satisfied that the principle that the meeting be conducted in a place

open to the public has been outweighed in these circumstances because the information could jeopardise the commercial position of third parties.

CARRIED UNANIMOUSLY

OC8982019 *Retained in Confidence*

OC8992019 *Retained in Confidence*

OC9002019 *Retained in Confidence*

OC9012019 *Retained in Confidence*

OC9022019 Moved: Cr Carol Schofield
 Seconded: Cr Peter Charles

That having considered this item, Council:

- i. pursuant to Section 91(7)(b) and (9)(a) of the Act, orders that the report be retained in confidence until negotiations between third parties and Council have been concluded and/or contract agreements have been executed, or as otherwise determined by the Chief Executive Officer; and
- ii. the public be readmitted to the meeting.

CARRIED UNANIMOUSLY

22.4 CONFIDENTIAL - Fleurieu Region Community Services Advisory Committee Minutes - 10 December 2019

OC9032019 Moved: Cr Marilyn Henderson
 Seconded: Cr Brayden Mann

That pursuant to section 90(2) of the *Local Government Act 1999*, the public be excluded from attendance at the meeting for this agenda item, with the exception of the Chief Executive Officer (Victoria MacKirdy), Director Community and Development (Graham Pathuis), Director Environment and Infrastructure (Glenn Sanford), Director Corporate and Customer Services (Karen Rokicinski), Group Manager Governance and Finance (Kellie Knight-Stacey) and Executive Assistant (Karina Overall).

That Council is satisfied that, pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to the agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of persons (living or dead).

Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances.

CARRIED UNANIMOUSLY

OC9042019 *Retained in Confidence*

OC9052019 Moved: Cr Carol Schofield
 Seconded: Cr Bryan Littlely

That having considered this agenda item, Council

- i) pursuant to Section 91(7)(b) and (9)(a) of the Act, orders that the report, minutes and related documentation be retained in confidence until such time as the Alexandrina Council has released the matter from confidential orders, or as otherwise determined by the Chief Executive Officer; and
- ii) the public be readmitted to the meeting.

CARRIED UNANIMOUSLY

23. CLOSURE

The chair closed the meeting at 12.45am

Signed: _____ Date: _____