Minutes of the Council Meeting

Held on 15 April 2019

in the

Community Chambers “Wal Yuntu Warrin”

Commencing at 5.01PM
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16.3 Fleurieu Regional Aquatic Centre Authority (Fraca) - Appointment of Independent Board Chair and Independent Board Member (Confidential)

17. CLOSURE
PRESENT

Mayor Keith Parkes, Councillors, Bronwyn Lewis, Karyn Bradford, Craig Maidment, Mike Farrier, John Carter, Margaret Gardner, James Stewart, Melissa Rebbeck, Bill Coomans, Michael Scott and Rex Kelly

APOLOGIES

IN ATTENDANCE

Glenn Rappensberg (Chief Executive Officer), Anne Liddell (Group Manager Leadership), Simon Grenfell (General Manager Environment), Kathy Hayter (General Manager Wellbeing), Mark van der Pennen (General Manager Growth), Elizabeth Williams (General Manager Resources) and Sarah Nankivell (Governance Administration Officer).

GALLERY

Seven members of staff, seven members of the public and a representative from the Victor Harbor Times.

LOCAL GOVERNMENT PRAYER

Almighty God, we humbly beseech thee to grant thy blessing upon the works of this Council, guide us in our deliberations for the advancement and the true welfare of the people of the district.

ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The Alexandrina Council and its communities acknowledge the Ngarrindjeri people as the traditional custodians of the lands and waters of our Council district.
CONFLICT OF INTEREST

Elected Members are reminded of the requirements for disclosure by Members of any conflict of interest in items listed for consideration on the Agenda.

Section 74 of the Local Government Act 1999 requires that Elected Members declare any interest and provide full and accurate details of the relevant interest to the Council prior to consideration of that item on the Agenda.

Each Member of a Council has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a conflict of interest.

1. CONFIRMATION OF MINUTES

ACM1974 Moved Cr Keily seconded Cr Lewis:

That the Minutes of the Alexandrina Council meeting held on Monday 18 March 2019, as circulated to members on the 9 April 2019, be received as a true and correct record.

CARRIED UNANIMOUSLY

2. ADJOURNED DEBATE

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The meeting moved to Item 7 Deputations/Presentations at 5.04pm

3. QUESTIONS WITH NOTICE

3.1 Cr Lewis - Third and Fourth Avenues, Chiton

3.2 Cr Keily and Cr Maidment - Questions With Notice - Strathalbyn Neighbourhood Centre
4. **QUESTIONS WITHOUT NOTICE**

Cr Farrier enquires to the status of the Council, BD Creek Paris Farm and EPA meeting and the satisfaction of rate payers with the approached taken to date.
Response: The EPA has taken the lead into the matter and a recent meeting has been held between BD Creek Paris Farm, the EPA and the residents group. The EPA and Council are currently negotiating a time to meet to discuss the outcome from that particular meeting and to discuss the next steps.

Cr Coomans asked if there will be further presentations regarding Fleurieu Regional Waste Authority (FRWA) operations to Council.
Response: There will be a presentation regarding the FRWA service levels review at the June 2019 Council briefing.

Cr Stewart asked if there is a timeline on Goolwa Liverpool Rd pump station project.
Response: Council is waiting on further communication from SA Water, who are driving the project and Council has raised concerns regarding safety at the site. Council will be following up the matter with SA Water.

5. **NOTICES OF MOTION**

5.1 **Cr Bradford - Ageing and Aged Care**

ACM1975 Moved Cr Bradford seconded Cr Lewis:

That the following statement be supported as contributing to Alexandrina Council’s advocacy platform to be promoted during, and after, the Federal Election 2019:

1. Alexandrina Council is a region with an increasingly ageing demographic, higher than many communities in Australia, in what is the fastest ageing state in mainland Australia. This trend has seen the rise of the Health and Social Services sector as our strongest employing industry. This presents opportunities for Alexandrina to be a national leader in ageing well, and caring for our aged well, and for attracting younger demographics to reside and find employment locally. We call on all parties and candidates in the 2019 Federal Election to identify how Alexandrina can be supported in this aspiration to drive policy and funding innovation at a national level, particularly how to better support local and community-driven care delivery in our remoter communities.

2. Alexandrina Council encourages candidates and parties to support the continuation of the Commonwealth Home Support Program noting the importance of this program to local community and the holistic benefits derived from local government and local community groups as the delivery partners in this program.

CARRIED UNANIMOUSLY
5.2 Cr Coomans - Roads and Road Funding

ACM1976 Moved Cr Coomans seconded Cr Scott:

That the following statements be supported as contributing to Alexandrina Council’s advocacy platform to be promoted during, and after, the Federal Election 2019:

1. Alexandrina Council has one of the largest road networks in regional South Australia – they are the arteries of economic development servicing the agricultural and tourism industries, as well as fundamental to the substantial commute of daily life, given their proximity to Adelaide and the regional centres of Victor Harbor, Mount Barker and Murray Bridge. Alexandrina Council seeks continued Federal funding support for safer, more productive roads in, and surrounding, our district through maintaining a fair share of national road funding for South Australia (such as through the reinstatement of Supplementary Road Funding ongoing).

2. Alexandrina Council seeks consideration of parties and candidates to build on the 2019 Federal Budget commitment re duplication of the Victor Harbor Road (from South Road to McLaren Vale) with further extensions past McLaren Vale to the base of Willunga Hill, and any related and necessary improvements to upgrades of roads beyond this point such as through to Mount Compass, on to Goolwa, to Port Elliot and to Victor Harbor, so as to appropriately plan and manage for the likelihood of increased traffic volumes.

3. Alexandrina Council seeks consideration of parties and candidates for investment in upgrades to the Strathalbyn – Goolwa Road to ensure a safe arterial corridor for tourism traffic linking through to the Melbourne to Adelaide touring route and freight heading to regional centres.

4. Alexandrina Council seeks consideration of parties and candidates for investment in constructing a bypass behind Middleton from the intersection of Airport Road and Flagstaff Hill Road to Waterport Road to build on the South Coast Freight Corridor, thereby supporting regional economic development as well as safety around a key coastal town.

CARRIED UNANIMOUSLY

5.3 Cr Rebbeck - Climate Change and The Climate Emergency

ACM1977 Moved Cr Rebbeck seconded Cr Stewart:

That the following statement be supported as Alexandrina Council’s advocacy position to be promoted in the Federal Election 2019:
‘Alexandrina Council expresses significant concern about the continuing vulnerability of its communities to the impacts of climate change, particularly the Coorong, Lower Lakes and Murray Mouth and coastal localities as well as industries critical to our economic wellbeing such as agriculture. Alexandrina Council calls on all parties and candidates in the 2019 Federal Election to demonstrate how they will support our community to navigate the unfolding climate emergency, including their positions on global and national plans and associated emissions targets as well as specific ideas for funding and policy support at a local level.’

CARRIED UNANIMOUSLY

5.4 Cr Keily - Economic Development and Infrastructure Funding

ACM1978 Moved Cr Keily seconded Cr Carter:

That the following statement be supported as contributing to Alexandrina Council’s advocacy platform to be promoted during, and after, the Federal Election 2019:

‘Alexandrina is a $1 billion regional economy reliant on seasonal industries like agriculture and tourism as well as the many sole traders and micro-businesses that comprise the overwhelming majority of our businesses. Using our modest ratepayer funding base, we also build and maintain infrastructure that supports two-three times our population base during high visitation seasons. We call on all parties and candidates in the 2019 Federal Election to maintain and extend regional funding programs for infrastructure and develop sound policy that supports industries critical to the regions, as well as tailored support for small business.’

CARRIED UNANIMOUSLY

5.5 Cr Stewart - Arts Culture and Heritage

ACM1979 Moved Cr Stewart seconded Cr Keily:

That the following statement be supported as contributing to Alexandrina Council’s advocacy platform to be promoted during, and after, the Federal Election 2019:

‘Alexandrina Council recognises the cumulative impact of social and cultural capital and economic contribution of the arts, culture and heritage sector to our region, especially with respect to tourism and attracting new residents to make our community their home. Alexandrina Council continues to support the sector through annual funding for programs and events and capital expenditure on heritage assets. We call on all parties and candidates in the 2019 Federal Election to commit to maintaining or expanding funding opportunities for these significant functions and demonstrate how they will support the local government sector, and our communities, to catalyse
artistic and cultural endeavour and protect our heritage for future generations.’

CARRIED UNANIMOUSLY

5.6
Cr Gardner - Carers and Disability Services

ACM1980 Moved Cr Gardner seconded Cr Lewis:

That the following statement be supported as contributing to Alexandrina Council’s advocacy platform to be promoted during, and after, the Federal Election 2019:

‘With a growing and ageing population and indicators that show higher rates of unpaid assistance than the State average within our community, Alexandrina Council has an interest in the policies and funding that supports those with disabilities in our community and their carers. We call on all parties and candidates in the 2019 Federal Election to put forward ideas about how local government and local community centres/groups can be supported to play a role in regional connectivity and/or delivery of disability services in the regions.’

CARRIED UNANIMOUSLY

5.7
Cr Farrier - Financial Assistance Grants

ACM1981 Moved Cr Farrier seconded Cr Keily:

That the following statement be supported as contributing to Alexandrina Council’s advocacy platform to be promoted during, and after, the Federal Election 2019:

‘Alexandrina Council receives a similar amount of financial assistance grants as metro Councils, yet have regional obligations and disadvantages that metro Councils do not. Furthermore, with high seasonal visitation, the Alexandrina ratepayer is funding infrastructure and services capacity for twice to three times the population base. We call on all parties and candidates in the 2019 Federal Election to:

- Restore Financial Assistance Grants to 1% of GDP;
- Look at the model of Financial Assistance Grants being based on a per capita formula and how a more equitable and efficient distribution framework can be adjusted to alleviate the burdens of regional communities with high seasonal visitation;
- A formula that takes into account the vulnerability of communities, particularly coastal communities, to the impacts of climate change; and
- The inclusion of a question in the 2021 Census that collects data on non-resident landowners) in the Census.’

CARRIED UNANIMOUSLY
5.8 Cr Carter - Population Growth

ACM1982 Moved Cr Carter seconded Cr Stewart:

That the following statement be supported as contributing to Alexandrina Council's advocacy platform to be promoted during, and after, the Federal Election 2019:

‘Alexandrina Council recognises the Australian Government interest in national population and planning frameworks and notes the Alexandrina community as an example of a fast growing region in proximity to a capital city (and also one with high visitation). We call on all parties and candidates in the 2019 Federal Election to consider the impacts of population growth on infrastructure and amenity (as well as the ensuing community expectations) and demonstrate how they will support the local government sector, and our communities, to optimise and manage this growth for our continuing prosperity.’

CARRIED UNANIMOUSLY

5.9 Cr Maidment - Key Projects for Federal Funding

ACM1983 Moved Cr Maidment seconded Cr Coomans:

That the following statement be supported as contributing to Alexandrina Council's advocacy platform to be promoted during, and after, the Federal Election 2019:

‘Alexandrina Council seeks the consideration of parties and candidates to expressly commit to Federal funding investment in key Council projects across the district spanning iconic environmental, cultural heritage and sporting sites to community driven projects depicting local passion. We believe such investment will add to the regional offering for tourism as well as a preferred place of residence, thereby driving economic development. They are exciting projects in iconic locations, investment for which, will add to the national story of our great regions.’

CARRIED UNANIMOUSLY
5.10 Cr Lewis - Women in Our Region

ACM1984 Moved Cr Lewis seconded Cr Gardner:

That the following statement be supported as contributing to Alexandrina Council’s advocacy platform to be promoted during, and after, the Federal Election 2019:

‘Alexandrina Council expresses a growing concern for the economic and social wellbeing of women in our district, particularly older women who will comprise a growing proportion of lone person households as we age faster than state and national averages. We call on all parties and candidates in the 2019 Federal Election to commit to policies that redress inequity in the gender pay gap and superannuation accumulation, as well as funding programs that can assist communities to limit, and respond to, social isolation and homelessness.’

CARRIED

5.11 Cr Scott - Youth in Our Region

ACM1985 Moved Cr Scott seconded Cr Coomans:

That the following statement be supported as contributing to Alexandrina Council’s advocacy platform to be promoted during, and after, the Federal Election 2019:

‘Alexandrina Council is acutely aware of the demographic imbalance that occurs in regions through the loss of older youth to more metro localities. Alexandrina’s proximity to Adelaide and strong internet usage means we have the opportunity to offer our youth more options in terms of staying longer in our district. We call on all parties and candidates in the 2019 Federal Election to demonstrate how they will support improved choices, flexibility and accessibility for youth in Alexandrina through access to jobs, training and career pathways in strong local industries such as the health and services sector, tourism and agriculture.’

CARRIED UNANIMOUSLY

6. PETITIONS

Nil
7. DEPUTATIONS/REPRESENTATIONS

7.1 Deputation – Budget and Business Plan

Mr Jim Davis requested an extension of 5mins to make his deputation to Council, with regard to the 2019-20 Budget and Business plan of Alexandrina Council.

8 Elected Members were for
3 Elected Members against

CARRIED

Mr Jim Davis presented at 5.04pm

7.2 Fenchurch St, Goolwa, Odour Complaints - Noeline Biermann

ACM1986 Moved Cr Carter seconded Cr Farrier:

An investigation and a report be provided to Council detailing the problem of the wastewater odour in Fenchurch St Goolwa and options to remedy the situation. The report to be provided to Council at the 20 May 2019 Council meeting.

CARRIED UNANIMOUSLY

Meeting returned to Item 3 in the Agenda at 5.34pm

8. ENVIRONMENT - REPORTS FOR COUNCIL DECISION

Nil

9. GROWTH - REPORTS FOR COUNCIL DECISION

9.1 Alexandrina Arts and Cultural Advisory Committee - Appointment of Independent Members

ACM1987 Moved Cr Gardner seconded Cr Lewis:

That Council receives the report and appoints the following persons as Independent Members to the Alexandrina Arts and Cultural Advisory Committee for a four year term, commencing April 2019, in accordance with Section 41 of the Local Government Act 1999; Steve Grieve (Presiding Member), Andrew Bowering, Jude Aquilina, Gary Clark, Caroline Margaret and Andrew Petherbridge.

CARRIED UNANIMOUSLY
9.2 Partial Waiver of a Building Envelope Clause Contained in A Land Management Agreement Between the Owner of 1e (Allotment 13) Daniel Avenue, Goolwa North (Ct 6157/734) and Alexandrina Council

ACM1988 Moved Cr Gardner seconded Cr Maidment:

That Council endorse the partial waiver of the building envelope requirements contained within Clause 4.a of the Land Management Agreement to enable the carport and verandah to be considered and determined by Planning Staff as proposed within Development Application 455/1082/18, by permitting the Mayor and Chief Executive to sign a letter of waiver in accordance with Clause 13 of the Land Management Agreement.

CARRIED UNANIMOUSLY

10. WELLBEING - REPORTS FOR COUNCIL DECISION

10.1 Mount Compass Library Kiosk

ACM1989 Moved Cr Coomans seconded Cr Keily:

1. That Council note the relocation of the Mount Compass library service from the Mount Compass Area School to an alternate ‘town centre’ location.

2. That Council authorise Administration to negotiate and enter into a Memorandum of Understanding with a suitable host venue to establish a library kiosk in Mount Compass.

CARRIED UNANIMOUSLY

10.2 Fleurieu Region Community Services Advisory Committee Minutes from October 2018 to March 2019

ACM1990 Moved Cr Gardner seconded Cr Bradford:

That the minutes from the Fleurieu Regional Community Services Advisory Committee for meetings held from October 2018 - March 2019 be received.

CARRIED UNANIMOUSLY

Cr Farrier left the chambers at 6.13pm

Cr Farrier returned to the chambers at 6.14pm
10.3 Southern Communities Transport Scheme Minutes from 17 October 2018 and 19 December 2018

ACM1991 Moved Cr Carter seconded Cr Bradford:

That the minutes be received.

CARRIED UNANIMOUSLY

10.4 Strathablyn Woodshed Committee Minutes for 20 December 2018

ACM1992 Moved Cr Keily seconded Cr Maidment:

That the minutes be received.

CARRIED UNANIMOUSLY

11. RESOURCES - REPORTS FOR COUNCIL DECISION

11.1 Land Owners Consent to Development on Council Land - Various

ACM1993 Moved Cr Gardner seconded Cr Keily:

1. That Council grants consent for a cabin, carport, fencing and camp kitchen, which remain the property of the Clayton Bay Riverside Holiday Park as a Lessee’s fixture and fitting during and on expiry of the lease, to be placed within the leased grounds of the Clayton Bay Riverside Holiday Park on Island View Drive Clayton Certificate of Title Volume 6004 Folio 62 Hundred of Alexandrina, subject to approval of Development Application 455/456/18.

2. That Council grants consent for a verandah to be placed within the leased grounds of the Port Elliot Holiday Park located on a portion of Basham Parade Port Elliot, Certificate of Title Volume 5744 Folio 924 Hundred of Goolwa, subject to approval of Development Application 455/1107/18.

CARRIED UNANIMOUSLY
11.2 Budget Review 31 March 2019

ACM1994 Moved Cr Scott seconded Cr Gardner:

1. That Council, for the period ending 31 March 2019, adopts the Budget Review identifying a net surplus of $3,678,000, an operating surplus of $178,000 and an estimated cash position at end of financial year of $295,000.

2. That the 2018-19 Annual Business Plan and Budgets and Long Term Financial Plan be amended to reflect the variances as authorised by Council.

CARRIED UNANIMOUSLY

12. OFFICE OF THE CHIEF EXECUTIVE OFFICER - REPORTS FOR COUNCIL DECISION

12.1 Chief Executives Officer's Report

ACM1995 Moved Cr Stewart seconded Cr Lewis:

That the March 2019 report from the Chief Executive Officer be received.

CARRIED UNANIMOUSLY

12.2 Murray Darling Basin Advocacy Council Policy Position

Cr Gardner left the chambers at 6.17pm

ACM1996 Moved Cr Keily seconded Cr Lewis:

That the report be received.

CARRIED UNANIMOUSLY

Cr Gardner returned to the chambers at 6.18pm

12.3 Alexandrina Council Proposed Submission to SA Local Government Reform Consultation

ACM1997 Moved Cr Farrier seconded Cr Lewis:

That the submission at Attachment 12.3 be endorsed for the SA Local Government Reform consultation process, inclusive of the need for minor amendments prior to submission, to be at the discretion of the CEO.

CARRIED UNANIMOUSLY
13. ELECTED MEMBERS’ REPORTS (INCLUDING VERBAL UPDATES)

13.1 Mayor’s Report

ACM1998 Moved Cr Keily seconded Cr Gardner:
That the Mayor’s report be received.

CARRIED UNANIMOUSLY

13.2 Elected Members Report

ACM1999 Moved Cr Carter seconded Cr Keily:
That the Elected Members Report be received.

CARRIED UNANIMOUSLY
14. CONFIDENTIAL ADJOURNED DEBATE

14.1 Clayton Bay Riverside Holiday Park Lease - Right of Renewal and Market Rental Valuation (Confidential)

ACM19100 Moved Cr Farrier seconded Cr Stewart:

That pursuant to Sections 90 (2) and (3) (b) (i) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, General Managers, Minute Taker and the officer responsible for the report, on the basis that the Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider information by way of a report and associated documents in relation to agenda item 14.1 Clayton Bay Riverside Holiday Park Lease – Right of Renewal and Market Rental Valuation (Confidential) and the Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation contains/involves:

(3)(b) Information the disclosure of which –

(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;

Substantiation:

To allow confidential evaluation of the renewal of the lease and the proposed market rental valuation fee for the Clayton Bay Riverside Holiday Park.

CARRIED UNANIMOUSLY

ACM19101 Moved Cr Farrier seconded Cr Stewart:

1. That pursuant to Sections 91(7) and (9) of the Local Government Act 1999 (SA) (Act), the Council orders that the report, minutes, attachments and associated documents of the Council meeting held on 15 October 2018 in relation to confidential item number 21.2 and titled Clayton Bay Riverside Holiday Park Lease – Right of Renewal and Market Rental Valuation (Confidential), having been considered and dealt with by the Council on a confidential basis under Part 3 of the Act, are to be kept confidential and not available to the public for a period of twelve months from the date of this confidentiality order, or unless revoked earlier by the Chief Executive Officer in accordance with paragraph 3 of this resolution, on the basis that they contain the following information or matter:
(3)(b) Information the disclosure of which –

2. 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;

3. That pursuant to section 91(9) (c) of the Act the Council delegates to the Chief Executive Officer the power to revoke the order made in paragraph 1 of this resolution at any time.

CARRIED UNANIMOUSLY

15. CONFIDENTIAL NOTICE OF MOTION

15.1 Cr Lewis - Notice of Motion - Coorong Cafe License (Confidential)

ACM19106 Moved Cr Stewart seconded Cr Keily:

That pursuant to Sections 90 (2) and (3)(b)(i)(ii) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, General Managers, Minute Taker and the officer responsible for the report, on the basis that the Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider information by way of a report and associated documents in relation to agenda item 15.1 titled Notice of Motion – Coorong Café License (Confidential) and the Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation contains/involves:

(3)(b) Information the disclosure of which –

(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;

Substantiation:

To consider the terms and conditions of the draft commercial license for Coorong Café at Sugars Beach, Hindmarsh Island.

CARRIED UNANIMOUSLY
16. CONFIDENTIAL REPORTS

16.1 Extension of Confidentiality - Goolwa Wharf Recreational Boating Facility - Status Update Regarding Legal Proceedings (Confidential)

ACM19102 Moved Cr Stewart seconded Cr Scott:

That pursuant to Sections 90 (2) and (3)(h) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, General Managers, Minute Taker and the officer responsible for the report, on the basis that the Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider information by way of a report and associated documents in relation to agenda item X.X titled “Extension of Confidentiality Status – Goolwa Wharf Recreational Boating Facility Status Update Regarding Legal Proceedings” and the Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation contains/involve:

90(3)(h) legal advice

Substantiation:
The documents pertain to a legal matter currently before the courts.

CARRIED UNANIMOUSLY

ACM19103 Moved Cr Stewart seconded Cr Farrier:

1. That the documents entitled ‘Confidentiality Status – Goolwa Wharf Recreational Boating Facility Status Update Regarding Legal Proceedings’ remain confidential for a further period of twelve months under Section 90(3)(h) of the Local Government Act 1999.

2. That pursuant to Sections 91(7) and (9) of the Local Government Act 1999, the Council orders that the report, minutes, attachments and associated documents of the Council meeting held on 15 April 2019 in relation to confidential item number 16.1 and titled “Extension of Confidentiality Status – Goolwa Wharf Recreational Boating Facility Status Update Regarding Legal Proceedings” having been considered and dealt with by the Council on a confidential basis under Part 3 of the Act, are to be kept confidential and not available to the public for a period of twelve months from the date of this confidentiality order, unless revoked earlier by the Chief Executive Officer in accordance with paragraph 3 of this resolution, on the basis that they contain the following information or matter:

90(3)(h) legal advice
3. That pursuant to section 91(9)(c) of the Act the Council delegates to the Chief Executive Officer the power to revoke the order made in paragraph 2 of this resolution at any time.

CARRIED UNANIMOUSLY

16.2 Confidentiality Status of Coorong Quays Agenda and Minutes Coorong Quays (20 August 2018)

ACM19104 Moved Cr Bradford seconded Cr Maidment:

That pursuant to Sections 90 (2) and (3) (d) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, General Managers, Minute Taker and the officer responsible for the report, on the basis that the Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider information by way of a report and associated documents in relation to agenda item 15.2 Confidentiality Status of Coorong Quays Agenda and Minutes Coorong Quays (20 August 2018) and the Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation contains/involve:

Section 90 (3) (d) Commercial information of a confidential nature (not being a trade secret) the disclosure of which:

(i) Could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

(ii) Would, on balance, be contrary to the public interest.

Substantiation:
Council’s administration is currently in discussion with Mill Hill Capital in regards to the operation and ownership of the Coorong Quays CWMS which includes reference to potentially sensitive commercial information.

CARRIED UNANIMOUSLY

ACM19105 Moved Cr Stewart seconded Cr Gardner:

1. That pursuant to Sections 91(7) and (9) of the Local Government Act 1999 (SA) (Act), the Council orders that the existing confidentiality order on the report, minutes, attachments and associated documents of the Council meeting held on 20 August 2018 in relation to confidential item number 21.1 and titled Coorong Quays Community Wastewater Management Scheme be revoked.
2. That pursuant to Sections 91(7) and (9) of the Local Government Act 1999 (SA) (Act), the Council orders that the report, minutes, attachments and associated documents of the Council meeting held on 20 August 2018 in relation to confidential item number 21.1 and titled Coorong Quays Community Wastewater Management Scheme, having been considered and dealt with by the Council on a confidential basis under Part 3 of the Act, are to be kept confidential and not available to the public for a period of twelve months from the date of this confidentiality order, or unless revoked earlier by the Chief Executive Officer in accordance with paragraph 3 of this resolution, on the basis that they contain the following information or matter:

   Section 90 (3) (d) Commercial information of a confidential nature (not being a trade secret) the disclosure of which:
   (i) Could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
   (ii) Would, on balance, be contrary to the public interest.

3. That pursuant to section 91(9)(c), of the Act the Council delegates to the Chief Executive Officer the power to review and revoke all or part of the order made in paragraph 2 of this resolution at any time.

4. That pursuant to Sections 91(7) and (9) of the Local Government Act 1999 (SA) (Act), the Council orders that the report, minutes, attachments and associated documents of the Council meeting held on 15 April 2019 in relation to confidential item number 16.2 and Confidentiality Status Of Coorong Quays Agenda and Minutes (20 August 2018), having been considered and dealt with by the Council on a confidential basis under Part 3 of the Act, are to be kept confidential and not available to the public for a period of twelve months from the date of this confidentiality order, or unless revoked earlier by the Chief Executive Officer in accordance with paragraph 5 of this resolution, on the basis that they contain the following information or matter:

   Section 90 (3) (d) Commercial information of a confidential nature (not being a trade secret) the disclosure of which:
   (iii) Could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
   (iv) Would, on balance, be contrary to the public interest.

5. That pursuant to section 91(9)© of the Act the Council delegates to the Chief Executive Officer the power to review and revoke all or part of the order made in paragraph 4 of this resolution at any time.

CARRIED UNANIMOUSLY
16.3  Fleurieu Regional Aquatic Centre Authority (Fraca) - Appointment of Independent Board Chair and Independent Board Member (Confidential)

ACM19108  Moved Cr Maidment seconded Cr Farrier:

That pursuant to Sections 90 (2) and (3) (a) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, General Managers, Minute Taker and the officer responsible for the report, on the basis that the Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider information by way of a report and associated documents in relation to agenda item 16.3 Fleurieu Regional Aquatic Centre Authority (FRACA) – Appointment of Independent Board Chair and Independent Board Member and the Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation contains/involves:

90 (2)(3)(a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

Substantiation:
The selection of Independent Board Chair for the Fleurieu Regional Aquatic Centre requires a joint decision of the City of Victor Harbor and Alexandrina Council (Constituent Councils). A number of matters are likely to be raised and discussed that relate to the personal affairs of the individual applicants. These matters are deemed to not be in the public interest.

CARRIED UNANIMOUSLY

ACM19109  Moved Cr Maidment seconded Cr Carter:

1. That pursuant to Sections 91(7) and (9) of the Local Government Act 1999 (SA) (Act), the Council orders that the report, minutes, attachments and associated documents of the Council meeting held on 15 April 2019 in relation to confidential item number 16.3 Fleurieu Regional Aquatic Centre Authority (FRACA) – Appointment of Independent Board Chair and Independent Board Member, having been considered and dealt with by the Council on a confidential basis under Part 3 of the Act, are to be kept confidential and not available to the public for a period of twelve months from the date of this confidentiality order, or unless revoked earlier by the Chief Executive Officer in accordance with paragraphs 1 and 2 of this resolution, on the basis that they contain the following information or matter:

90 (3) (a) Information the disclosure of which would involve the unreasonable disclosure of information
concerning the personal affairs of any person (living or dead)

2. That pursuant to section 91(9)(c), of the Act the Council delegates to the Chief Executive Officer the power to review and revoke all or part of the order made in paragraphs 1 and 2 of this resolution at any time.

CARRIED UNANIMOUSLY

17. CLOSURE

The Mayor declared the meeting closed at 6.40pm

MINUTES CONFIRMED……………………..DATE……………………

MAYOR K PARKES