

[Note: These minutes are unconfirmed until 13 February 2017]

MINUTES OF THE CITY OF CHARLES STURT

COUNCIL MEETING

HELD ON MONDAY, 23 JANUARY 2017

<u>MEMBERS:</u>	Present:	Her Worship the Mayor, Angela Evans Councillors Ghent, B Wasylenko, Tullio, Scheffler, T Wasylenko, Sykes, Turelli, Alexandrides, Campbell, Agius and Harley And Nguyen from 7.03pm
<u>STAFF:</u>	Present:	Chief Executive Officer – P Sutton Acting General Manager Corporate Services – A Martin General Manager Asset Management Services – J Cornish Acting General Manager City Services – J Vanco Manager Governance & Operational Support – K Jackson Manager Information Services – I Pearl Manager Public Health & Safety – D Dunbar Manager Engineering Strategy & Assets – S Hutchings Manager Urban Projects – C Daniel Coordinator Marketing & Communications - K Johnson Governance Officer – S Tripodi Coordinator Urban Design – J Hosking Team Leader Environmental Health – A Filipi Environmental Health Officer – D Harding
<u>MEMBERS:</u>	Apologies:	Councillors Grant, Randall and Thomas
<u>MEMBERS:</u>	Leave of Absence:	Councillor Wood

1. COUNCIL OPENING

The meeting commenced at 7.00 pm.

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Leave of the meeting was sought for Mayor Angela Evans to address Council with her opening statement for 2017. Leave was granted.

Motion

That the Mayor's notes be included in the minutes.

At 7.03 pm Councillor Nguyen took her seat.

Moved Councillor T Wasylenko, Seconded Councillor Tullio **Carried Unanimously**

Welcome to our first Council meeting for 2017.

I am pleased to be back in Chambers, ready for a productive and fulfilling year ahead – one that I also know will be very rewarding on many levels.

This year is also a significant milestone in the life of the City of Charles Sturt – we celebrate 20 years since the creation of Charles Sturt which was formed to bring together the Hindmarsh, Woodville and Henley and Grange Councils. Happy anniversary! We stand on the shoulders of giants who had the vision to reunite these communities as the City of Charles Sturt. For this we are grateful.

Just like the previous two speeches I made at the start of 2015 and 2016 in this very room, I would again like to say a few words – to set the tone and vision for tonight, and for the year ahead.

I also will review our progress over the past 12 months, and to clearly articulate our direction for this, our third year in office.

To give you the framework for my vision for 2017, I invite you to ask yourself the following questions:

- * Why are you working for this City?
- * What do you believe in?
- * Do you believe you can make a difference to our City?

Your answers to these 3 simple questions will be the driving forces that create the next level of engagement with citizens and businesses as a Council.

I believe that we are a group that works together to provide inspiring, innovative genuine leadership for our City. The last 2 years have been a testimony to this.

And how lucky we are to be in a position to provide quality opportunities in an ever-changing world.

It is changing! You only have to look around to see the many challenges faced by international communities! The media is constantly bringing them to our attention.

My vision for 2017 is that I want us to be a motivated group. It's that simple!

I believe that when we are motivated to be the best Council we can be, we then have a clear path to what it means to be excellent Elected Members and Staff members.

And I invite every single one of you to travel that path with the wider community – with those whom we serve.

We know we have tough decisions to make this year. Many of our citizens and businesses seek our leadership and guidance regarding the many services Staff and Elected Members provide the community. They will walk with us confidently if we:

Believe we are doing our jobs well for the growth of the City of Charles Sturt.

And we need to grow the City together. We need to continue looking for opportunities to do this diligently and with confidence.

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2016 was again a significant year for Charles Sturt. Our second year of this Council saw us accomplish some major projects and make changes that had immediate positive effect for citizens.

1. We completed the detailed engineering and design plans for the \$24million Port Road Drainage Project, and construction began in the second half of last year
2. We reviewed and updated our Community Plan – which will strategically guide our Council and community through the coming years
3. We launched the Building Western Adelaide Strategy and created a Western Alliance for the Western councils to work collaboratively on economic development opportunities.

These are just a few of the many examples where we have planned for the future of our community, and the future outcomes for our City.

I have been very happy with our Elected Member body too as we have worked collaboratively over the past two years. Some would say that you all bring to your roles a vitality, collaboration and commitment not seen in more recent times.

Further, I am also very pleased with Council staff who deal with citizens and ratepayers on a professional level. We're not perfect but feedback from the community is positive and you deserve to be congratulated on the way you contribute positively to our City. I continue to be impressed with the work ethic and dedication to our community.

My theme for 2015 was *"We are all in this together"* where I led a productive and collaborative team, and even when we disagreed on the issues, we did so with respect and professionalism because we were all in this together.

My theme for 2016 was *"By being connected, we belong"*. This theme and vision built on the idea of being together. We worked jolly hard as a Council to further connect us as a community by nurturing a spirit of cooperation, collaboration and a sense of belonging through projects and new initiatives. I believe this was achieved and I thank you, Elected Members and Council Staff, for your untiring efforts. They did not go unnoticed!

This year in 2017 our theme is *"Through empowerment, we create resilience"*.

How do we do this?

I want to talk for a moment about resilience.

Resilience is not about being the strongest or smartest. Resilience is not about whether or not you will go through hard times – it is about how well you come out of those times.

It is about being the most adaptable to change. Let me name a few ways we will empower others and create resilience in our community:

* We will continue working towards completing the last section of Adelaide's Coast Path, between Grange and Semaphore. Our focus will be on completing a path where our community, and people beyond Charles Sturt, can connect. This project has already demonstrated our ability to adapt to challenges and move forward positively.

* We also have a vision to revitalise and upgrade major focal points around our City like Point Malcolm and MJ McInerney Reserves. By providing innovative open spaces, we will empower our community to get outside, get moving, take charge of their health and wellbeing and connect with each other in a meaningful way.

* The work continuing on the Port Road Drainage Project, which will focus on stormwater flood mitigation, will allow access to TQEH and Port Roads during rainfall events. Through this work, we provide an inventive way to reduce flooding in an important area, and demonstrate our commitment to adapting to changing climate conditions.

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These projects are just some of our responsibility to provide services to our community, and I am excited by our ability to deliver them.

We have been creating resilience on different levels throughout the past two years. We have recognised and respected the abilities, skills and capabilities of our community and have worked to create opportunities for our community to thrive.

We, as a council, must continue to strive to remain connected and united with our community – at the same time fostering a sense of reciprocal responsibility, respect and resilience.

We won't shy away from our responsibilities; however, our focus also needs to be in recognising our community's capabilities. Recognising that money isn't always the answer, that we can facilitate innovative ideas, which we can begin to provide our community a platform to be independent, autonomous, and empowered in their lives.

All this is possible because we are all in this together, connected to each other as a Council and as a community.

But now, the focus intensifies.

All of our good work as Elected Members must focus on galvanising citizens, Staff and other agencies such as businesses, community groups and governments to define their needs, find solutions, and forge ahead supported by, but not always led by, Charles Sturt Council.

Socrates said that *"The secret of change is to focus all of our energy not on fighting the old, but building the new."* There is much wisdom in this saying and it applies to all of us in this Council.

I'm looking forward to a productive 12 months, where we make things happen by being brave, and true to the vision we share for this City. We must work together to empower citizens, to promote a sense of resilience, and to anticipate opportunities. After all effective democracy is when ordinary people become increasingly capable.

I encourage all of you to consider the role we play as leaders in our community and to continue providing an example for all, in your work ethic, your own resilience and independence, your accountability and your desire to contribute.

Let us continue to make our City of Charles Sturt a shining example of best practice, in all our decision making and interactions. For doing this together, we empower others and ourselves to grow in resilience.

Remember - "Through empowerment, we create resilience."

Let us move forward with confidence!

2. CONFIRMATION OF MINUTES**2.1 COUNCIL**

That the minutes of the previous meeting held on Monday, 12 December 2016 be taken as read and confirmed.

Moved Councillor Turelli, Seconded Councillor Agius

Carried Unanimously

REPORTS OF COMMITTEES – Part I

Nil

[Note: These minutes are unconfirmed until 13 February 2017]

3. REPORTS

3.1 MAYORAL REPORT - DECEMBER 2016 1

That the report be received and noted.

Moved Councillor Campbell, Seconded Councillor Ghent **Carried Unanimously**

Leave of the meeting was sought by the CEO to introduce Ian Pearl as Manager Information Services. Leave was granted.

Leave of the meeting was sought to provide an overview from the Mayor on the report and deputation process. Leave was granted.

At 7.16 pm Councillor Sykes left the meeting.

Actual Declaration of Interest

Councillor Campbell declared an actual conflict of interest pursuant to section 74 of the Local Government Act for Items 4.01-4.11. The nature of Councillor Campbell's actual conflict is that her father represents a party to this matter in his capacity as a lawyer. Councillor Campbell dealt with the conflict of interest in the following transparent and accountable way by leaving the meeting at 7.22pm.

4. DEPUTATIONS

4.01 DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE (B35)

Brief

A deputation request was received from Ms Barbara Page to address Council in relation to the Coast Park Terminus Street to Third Avenue.

Motion

- 1. That the deputation be received and noted.**
- 2. That Ms Page be thanked for her presentation and any notes be included in the minutes.**

Note: Ms Page was not in attendance for her deputation.

[Note: These minutes are unconfirmed until 13 February 2017]

4.02 DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE (B35)

Brief

A deputation request was received from Ms Sandy Dekker to address Council in relation to the Coast Park Terminus Street to Third Avenue. Ms Sarah McGrath will be speaking on her behalf.

At 7.29pm Councillor Sykes resumed his seat.

Leave of the meeting was sought to grant Ms McGrath an additional 2 minutes to conclude her deputation. Extension was granted.

Motion

- 1. That the deputation be received and noted.**
- 2. That Ms McGrath be thanked for her presentation and any notes be included in the minutes (refer Appendix A).**

Moved Councillor Turelli, Seconded Councillor Ghent

Carried Unanimously

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.02

APPENDIX A



May 2016 before the Sand Cartin

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.02

APPENDIX A
Continued



Dune measured on 26th June 2016 – Just over 7m wide.

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.02

APPENDIX A

Continued



After Storm damage 18th June 2016 – before sand carting



Storm damage 12 July 2016

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.02

APPENDIX A

Continued



After storm on 14th July 2016

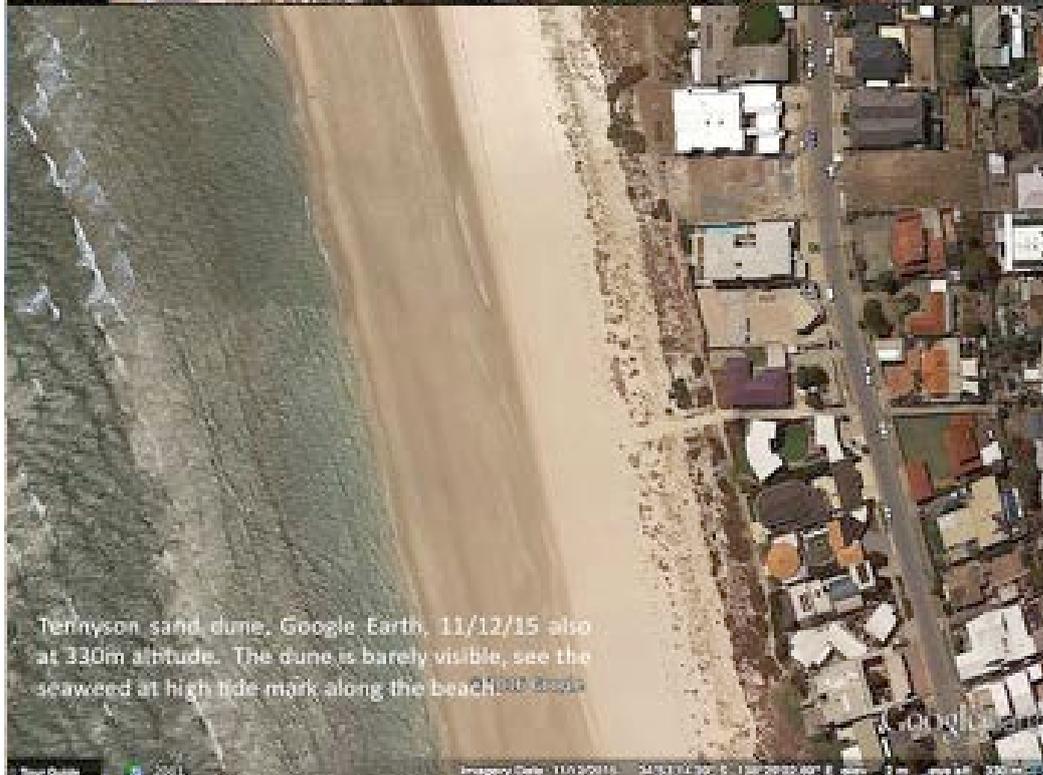
[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.02

APPENDIX A

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Tennyson Dunes are not Largs Bay where there are over 30m of sand



20 years ago, there was only a single 4m wide dune along most of the Tennyson coast, which has only been revegetated and able to withstand storm events because of the active participation of volunteers and neighbours planting the dune.

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.02

APPENDIX A

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On 22nd July 2011 there was a report released for the Australian Local Government Association titled “Local Council Risk of Liability in the Face of Climate Change - Resolving Uncertainties”



Final – 22 July 2011

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.02

APPENDIX A

Continued

Legal Liability

There are well established bodies of law covering the liability of Councils in nuisance, negligence, administrative review and merits appeals. However, climate change liability is unique due to the nature of the loss and damage potentially suffered by property owners or other claimants, the range of potential claims across many areas of law, challenges with establishing causation and responsibility for impacts – particularly where claims relate to a failure to act or planning decisions that limit or refuse development, rather than the effect of positive actions, uncertainty regarding the likelihood of future impacts which affects long-term planning and the evolving body of scientific information which underpins decision making.

There are two important points with respect to the long-term liability of local governments. Firstly, in most jurisdictions, legislation prescribes that litigation must be commenced within six years of the cause of action accruing (the decision, action or inaction of the council which led to the damage). These time

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limitations will be significantly less for decisions related to planning appeals. Further, any action is based on the knowledge of a reasonable person in the position of the council *at the time* any decision is made or action is taken. Thus, current scientific developments with respect to climate change which have occurred since the decision was made will not be taken into account. Local governments need to base their decisions on the best available scientific information at the time.

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DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.02

APPENDIX A

Continued

Despite projections from CoastAdapt claiming Tennyson and West Lakes will be under water by 2050 in addition to plenty of other scientific data pointing to the fact that the currently proposed Coast Park pathway will be environmentally damaging both in the short and long term, the [City Of Charles Sturt](#) and [Mayor Angela Evans](#) are still planning to go ahead with their plans despite opposition from the community and [Stephen Mullighan MP](#).

"Tennyson, West Lakes, Port Adelaide, the Gillman land are most at risk as a result of a climate change spike, according to projections from CoastAdapt — a Federal Government monitoring agency...

'It's very risky for local government to approve developments where there's already an acknowledgment ... that development in that area should not proceed.'

<http://www.adelaidenow.com.au/.../80e46861c394bbb6b8e45e6bb8c...>



[How rising sea levels will change our coastline](#)

PARCELS of low-lying coastal land in Adelaide's north western suburbs are predicted to be underwater by 2050, new data shows.

[adelaidenow.com.au](http://www.adelaidenow.com.au)

[Note: These minutes are unconfirmed until 13 February 2017]

Leave of the Meeting was sought in accordance with the Code of Practice for Meeting Procedures to hear a third deputation. Leave was granted.

4.03 DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE (B35)

Brief

A deputation request was received from Ms Lorimer Packer to address Council in relation to the Coast Park Terminus Street to Third Avenue.

At 7.39 pm Councillor Alexandrides left the meeting.

Leave of the meeting was sought to grant Ms Packer an additional 1 minute to conclude her deputation. Leave was granted.

Motion

- 1. That the deputation be received and noted.**
- 2. That Ms Packer be thanked for her presentation and any notes be included in the minutes (refer Appendix A).**

Moved Councillor Ghent, Seconded Councillor B Wasylenko **Carried Unanimously**

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.03

APPENDIX A

Sand Dunes and the Beach

Facts

Coast Protection Board

- Says:
- High Priority risks remain unaddressed and they have no capacity to undertake coast protection because of lack of funds
- costs of investing in coastal hazards are greatly exceeded by the potential costs incurred to society if no action is taken

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DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.03

APPENDIX A

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- potential coastal hazards are not high in the community's agenda.
- This plan does not appear to comply in many places with the Coast Protection Board recommendation of "80 cubic metres of sand per linear metre between beach and structures" either.

"Repeating mistakes is a sign of insanity"

- Route is sited where there was NO dune even 20 years ago

1960's



[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.03

APPENDIX A

Continued

“Repeating mistakes is a sign of insanity”

- Route is sited where there was NO dune even 20 years ago

1960's



1970s

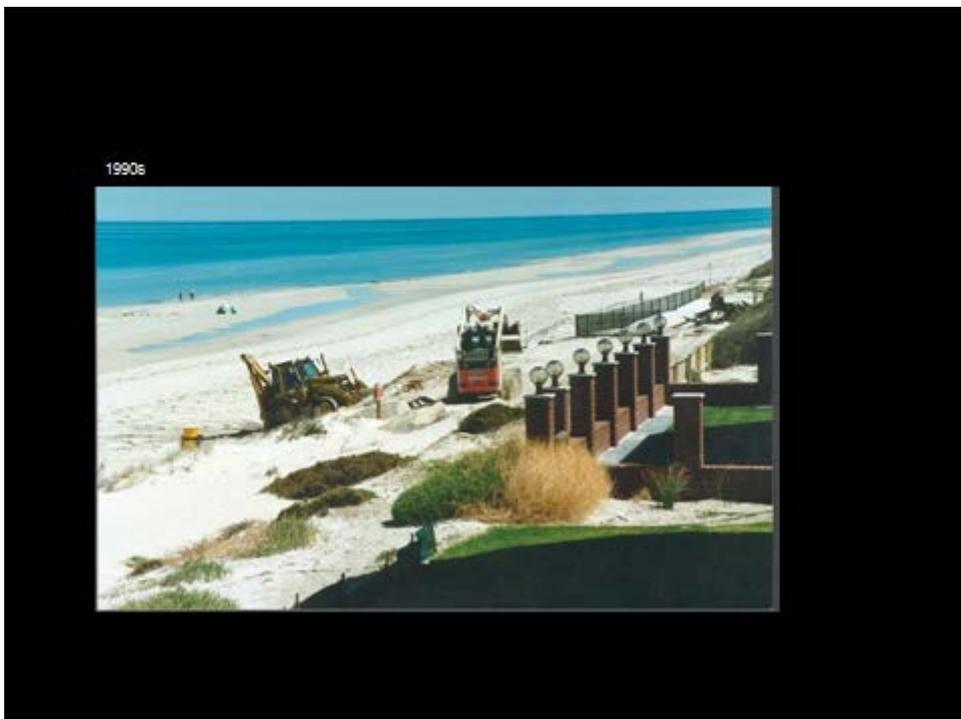


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DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.03

APPENDIX A

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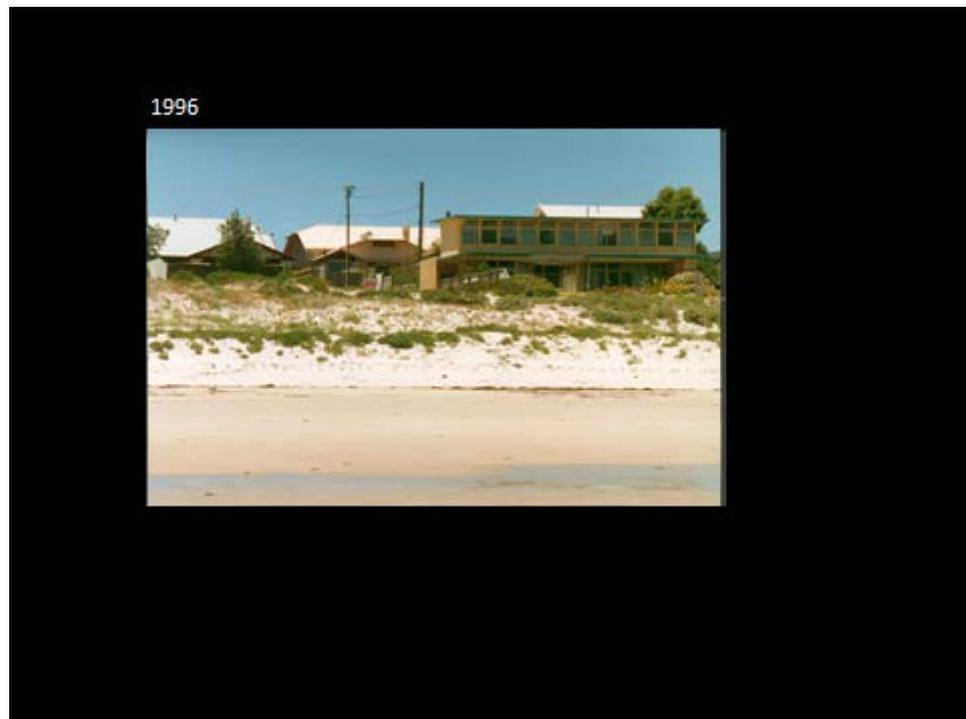
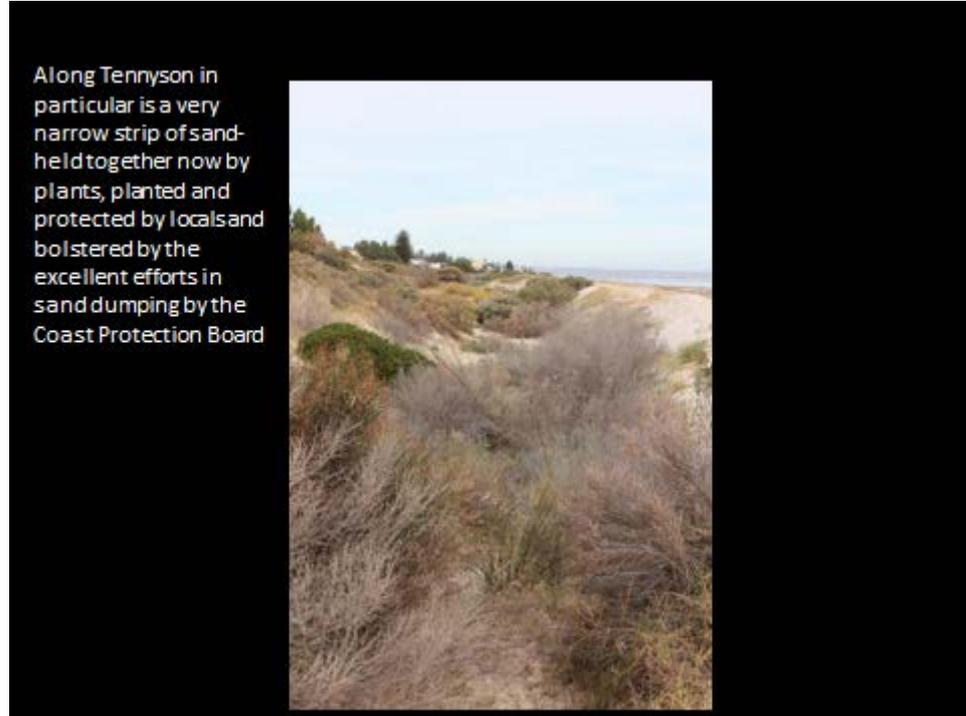


[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.03

APPENDIX A

Continued



[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.03

APPENDIX A

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Plants are vital to the maintenance of the sand volume. This statement was for years disputed by CPB but eventually conceded eventually.

Previously dumped sand exhibiting signs of regrowth. This will not occur under concrete or even a boardwalk.



Destruction of vegetation will inevitably lead to sand loss.

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.03

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Continued



Construction damage will cause loss of vegetation that is very long lasting if not permanent.



Hard paths and board walks both prevent regrowth of all but weeds- making it inevitable that a rockwall will be needed to maintain any infrastructure.

Installation of a rockwall inevitably leads to the loss of the beach as has plainly occurred all the way to Kingston Park,

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DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.03

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Earthworks required for 3m wide path



Somerton, Brighton etc are all "wet beaches" ie there is no beach at high tide.

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.03

APPENDIX A

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Councillors are reminded that they are elected to promote the interests of their constituents and community. Damaging and possibly losing the beach will also severely disadvantage the wider community. Many beachgoers comment it is the only decent bit of beach left.

The community requests that Council proceed with rigorous attention to proper processes and procedures for before implementing any multimillion dollar infrastructure project on Crown (ie Community) Land.

In the face of these recent statements I again ask CCS to reconsider their blanket support of a roadway along the coast proposed by others.

[Note: These minutes are unconfirmed until 13 February 2017]

Leave of the Meeting was sought in accordance with the Code of Practice for Meeting Procedures to hear a fourth deputation. Leave was granted.

4.04 DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE (B35)

Brief

A deputation request was received from Mr Don Howie to address Council in relation to the Coast Park Terminus Street to Third Avenue. (Proxy was Ms Packer)

Motion

- 1. That the deputation be received and noted.**
- 2. That Mr Howie be thanked for his presentation and any notes be included in the minutes.**

Note: Ms Packer was acting as proxy for Mr Howie in Item 4.03.

Leave of the Meeting was sought in accordance with the Code of Practice for Meeting Procedures to hear a fifth deputation. Leave was granted.

4.05 DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE (B35)

Brief

A deputation request was received from Ms Theresa McGrath and Ms Nola Siciliano to address Council in relation to the Coast Park Terminus Street to Third Avenue. Ms McGrath will be presenting on behalf of Ms Siciliano.

Leave of the meeting was sought to grant Ms McGrath an additional 1 minute to conclude her deputation. Leave was granted.

At 7.49 pm Councillor Alexandrides resumed his seat.

Motion

- 1. That the deputation be received and noted.**
- 2. That Ms McGrath be thanked for her presentation and any notes be included in the minutes (refer Appendix A).**

Moved Councillor Ghent, Seconded Councillor T Wasylenko **Carried Unanimously**

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.05

APPENDIX A

Mayor Evans, Councillors, Staff, Residents, Ratepayers and other attendants,

Due to the lateness of the notification, the 249 page Notice of Meeting and large volume of attachments and the like, I, like many of my neighbours feel they have not been given sufficient time to consider all the supporting documents, consult and gain legal advice and make considered submissions. In accordance with the principles of natural justice and procedural fairness, we are afforded the opportunity to be heard, and this includes being given sufficient time to consider, consult, gain legal advice and make submissions. Why has the council provided only 4 days (including a weekend!) notice?

According to the report from James Guy, (Appendix B) there are 80m³/m sand required per linear metre as a buffer zone of sand against any infrastructure, both public and private. However, this is based on a general survey of the 70km of metropolitan coast line, and the data is across a number of different time lines. There is an enormous difference in the amount of buffer between Hallam Tce and Moredun Street, so any evaluation based even this general area is without basis, because of the extraordinary narrow section between Alice St and Northcote Lane. This is one of the narrowest sections along this area. It is totally misleading to average this entire section (Hallam to Moredun) without taking into consideration the paucity of sand between Alice and Northcote. This is true for much of the Tennyson beach, and the general metropolitan average of 80m³/m linear metre are not realistic. And further, James Guy states that:

“The comments are based on the general erosion assessments of the Adelaide’s Living Beaches strategy, rather than location specific erosion modeling. The buffer volumes and risk assessments should therefore be taken as being qualitative and suitable for use in evaluating alternative concept proposals. THEY ARE NOT ACCURATE QUANTITATIVE INFORMATION TO BE RELIED UPON DURING DETAILED DESIGN”.

How can any detailed plan be drawn up, without thorough ecological investigation of each unique site, given their variability. Not only from time to time but also from place to place.

So where is the specific environmental impact statement that is required, prior to construction of any infrastructure along this fragile dune system?

In the Affidavit of Jan Cornish dated the 22nd of November 2016 and filed in the Supreme Court, there is a letter from Hon John Rau to to Mayor Angela Evans on the 22nd September 2016 stating (and I quote) “I also understand that there are local community concerns in relation to this project. In progressing this project, I accordingly ask you to give due considerations to these concerns.”

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.05

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We have emailed Jan Cornish requesting a meeting to discuss issues concerning the path on the 25th of October, referring to her letter on the 19th of August where she states that “We will be in contact with individual beachfront property owners in early Spetember to arrange a time to meet and discuss landscape treatments”. Her letter indicates that the purpose of these discussion would be for inclusion in the detailed designs”. Such a meeting would consequently be of importance to us and other beachfront property owners.

As of the date above we have had no contact from anyone in your department to set up a meeting time and date to meet and discuss the aforementioned landscape treatments.

I would like to progress that meeting as soon as possible. Would you please contact us as a matter of urgency to address these issues, including those of security, privacy and re-vegetation.

You have on file my E-mail address however we have also included below our contact phone number.

Her response to this was:

Dear Tess and Geoff

I acknowledge receipt of your email below.

We have sent a project update to all property owners / residents via priority mail. You may have received this by now, if not it should reach you within the next day or so.

The update includes path alignment plans including an outline of progress since our last communication and next steps.

In our last communication we had planned to contact property owners in September to arrange discussions in relation to landscape treatments, however, since then we decided to finalise the alignment and path material details prior to those discussions taking place.

My apology for not communicating this earlier but we still plan to have those discussions and this will be outlined in the letter you receive from us.

Despite attempts to arrange a meeting, no staff member has made an appointment with us on site to discuss our concerns. All we have received is generic information regarding what plants we would prefer.

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DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.05

APPENDIX A

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From scanning the documents in the short time, there appear to be many inconsistencies, including what the final plan is - whether indeed there is a final plan, and what the materials are to be used in the plan. According to the information contained, sections of the pathway are still yet to be finalised, so how can there be a final plan? Contradictions in materials used in certain sections is obvious, as is the cost - \$8.2 (as detailed in Appendix A) or \$6.5 million as detailed in the Notice of Meeting? Appendix G contradicts Appendix A in the materials and type of pathway detailed.

When speaking with staff on the 8th of July 2016, we were told that there may be no revegetation at all, as it's not been budgeted for. So what is the final pathway, what is it to be made of, and how much is it actually going to cost?

There is also an issue with our neighbours to the south, who have an inspection point on the seaward side adjacent to the boundary of their property. If a 3m wide concrete pathway is constructed, will it cover the piping that runs north-south (along many of the property boundaries) and how will it be maintained? What guarantees can the Council give that no damage to the existing infrastructure anywhere along the seaward side will occur, and if damages occurs, how will they be rectified?

In December 2016 the Barrister for the Council conceded in open court they need development planning consent, building rules consent and development approval which must be lawfully granted before they can lawfully commence work.

What process do they intend to follow to obtain planning consent for their proposal? And at what stage is this at? Historically these three levels of approval can take months.

As stated in a letter from the Council's lawyers the Council intends to address the requirements of the Act before commencement of work, which they must legally do. As there is no absolute final plan for the coast park (section from Bournemouth to Hillview not finalized), when does Council expect to begin obtaining planning consent? As stated in a letter from the Council's lawyers the Council intends to address the requirements of the Act before commencement of work.

As concerned residents with many years of coastal dwelling we sigh to ensure that not only due process is observed, but this very special fragile environment is preserved for future generations, otherwise the very purpose for which people are attracted to this suburban beautiful beach, will be destroyed, and we will be left with a rock wall, beach erosion and a desolate coastline.

I request that Item 6.02 be removed from the Agenda for voting purposes, until proper consultation, research and ecological specialist reports are obtained.

[Note: These minutes are unconfirmed until 13 February 2017]

Leave of the Meeting was sought in accordance with the Code of Practice for Meeting Procedures to hear a sixth deputation. Leave was granted.

4.06 DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE (B35)**Brief**

A deputation request was received from Mr Christopher Nalor to address Council in relation to the Coast Park Terminus Street to Third Avenue.

Motion

- 1. That the deputation be received and noted.**
- 2. That Mr Naylor be thanked for his presentation and any notes be included in the minutes.**

Moved Councillor Ghent, Seconded Councillor Harley **Carried Unanimously**

Leave of the Meeting was sought in accordance with the Code of Practice for Meeting Procedures to hear a seventh deputation. Leave was granted.

4.07 DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE (B35)**Brief**

A deputation request was received from Mr Matthew Palmer to address Council in relation to the Coast Park Terminus Street to Third Avenue.

Motion

- 1. That the deputation be received and noted.**
- 2. That Mr Palmer be thanked for his presentation and any notes be included in the minutes (refer Appendix A).**

Moved Councillor Alexandrides, Seconded Councillor Scheffler **Carried Unanimously**

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.07

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I am Matthew Palmer of no.3 Mirani Crt West Lakes Shore. I have been a resident for 14 years. I am a dedicated high level Cyclist doing well over 100km's per week and have ridden up and down Military Rd on hundreds of occasions. I am a regular user of the coast park right along the coast.

I reside at a group of apartments located on beachfront adjacent Mirani Crt beachside carpark with a 8-10m wide lawned area between Western property boundary and back of sand dunes that extends from Third Ave to Cormorant Crt. This area is a functioning and effective Coast Park.

The area from Mirani Crt to Cormorant Crt is already maintained free of charge to the Council by the residents. The lawn is smooth and flat and navigable by all users including wheel chairs, bicycles and the elderly and the like. The same standard of grassed surface can be easily re established from Mirani Crt North to Third Ave should replanting and watering be re established. This area has only deteriorated due to Council turning off watering during period of watering restrictions many years ago.

This area represents precious open green space that is used and enjoyed by people including children to play ball games. It is also valued by walkers and runners that want to do it on a soft natural surface not concrete that is hard on the joints.

The grassed area is 8-10m wide therefore a path alignment of a 3m wide 6 inch thick concrete road will take up one third of this area and destroy the amenity of this area. The section of park from Mirani Crt to Cormorant Crt is 650 m long. A 3m road along there covers a third of the area which is 1950 square metres of concrete being 700 Tons of concrete from 116 concrete Trucks. Given this area is a functioning coast park this represents environmental vandalism on a grand scale.

The alignment of a 3m wide concrete road through this section of the coast path is a mistake.

[Note: These minutes are unconfirmed until 13 February 2017]

At 7.59 pm Councillor Harley left the meeting.

4.08 DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE (B35)**Brief**

A deputation request was received from Ms Thalia Palmer to address Council in relation to the Coast Park Terminus Street to Third Avenue.

Motion

- 1. That the deputation be received and noted.**
- 2. That Ms Palmer be thanked for her presentation and any notes be included in the minutes.**

Note: Apology received for Ms Thalia Palmer as she was unable to attend.

4.09 DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE (B35)**Brief**

A deputation request was received from Mr Alan Simpson to address Council in relation to the Coast Park Terminus Street to Third Avenue.

Note: Mr Simpson is unable to attend the Council Meeting tonight and the information provided by Mr Simpson has been given to the Council Members.

Leave of the Meeting was sought in accordance with the Code of Practice for Meeting Procedures to hear a tenth deputation. Leave was granted.

4.10 DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE (B35)**Brief**

A deputation request was received from Mr Terence Webber to address Council in relation to the Coast Park Terminus Street to Third Avenue.

At 8.01 pm Councillor Harley resumed his seat.

Point of Order

Councillor T Wasylenko called a Point of Order against Mr Webber that his comments were not related to the item. Mayor Evans ruled in favour of the Point of Order.

Leave of the meeting was sought to grant Mr Webber an additional 2 minutes to conclude his deputation. Leave was granted.

[Note: These minutes are unconfirmed until 13 February 2017]

Motion

- 1. That the deputation be received and noted.**
- 2. That Mr Webber be thanked for his presentation and any notes be included in the minutes (refer Appendix A).**

Moved Councillor Harley, Seconded Councillor Ghent

Carried Unanimously

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.10

APPENDIX A

Deputation to Council – Monday January 23, 2017

Re: Agenda Item 6.02 – COAST PARK TERMINUS STREET TO THIRD AVENUE

Presented by Terry Webber, 1 Audrey Street, Tennyson

Good evening all,

Lady Mayoress and Elected Members... I thank you for this opportunity to present to you this evening.

However I wish to apologise in advance for the lack of accuracy in some of the detail – there has been insufficient notice of this meeting to research and gather more detailed information.

It is most disappointing that council has chosen to include this item on the agenda during school holidays when it is most likely that many of the affected residents are away from home.

Council's action in doing so certainly does not accord with its stated ambition of being **consultative** and **considerate** of the electorate. Rather it smacks more of council's urgency to apply **another** band aid to **another** deficiency in due process for **another** purpose – possibly legal – but unfortunately with total disregard for their constituents.

I therefore **urge** Elected Members **not** to reach a decision on this matter until **further time** has been provided for **appropriate consideration** and **response** by the electorate.

Perhaps enough has **been** said or **will** be said regarding the environmental damage that will be caused by the proposed path, but my presence here this evening is **primarily** focused on a **less** discussed issue – **cost to the community** and the consequential impact on **rates**.

As most of you Elected Members would - **I hope** – appreciate, in this council there is an accepted rule of thumb that every one million dollars spent on capital infrastructure requires an additional **one** per cent increase in **rate income** to balance the books.

I repeat that: every one million dollar spent on capital infrastructure requires an additional **one** per cent increase in **rate income** to balance the books.

My investigations suggest that the cost to the community of a **completed Coast Path** will require an increase of **7.5%** to rates charged across **The City of Charles Sturt**.

And I will repeat that: the cost to the community of a **completed Coast Path** will require an increase of **7.5%** to rates charged across **The City of Charles Sturt**.

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – COAST PARK TERMINUS STREET TO THIRD AVENUE Item 4.05

APPENDIX A

Continued

But that is not all – **I have more for you.**

The **total** value of the completed asset **including** State government's contributions will sit on the council's books and will be subject to **annual depreciation**, which will require a further **rate increase** in order to **balance the books**.

But still, **that is not all.**

The proposed construction of the Coast Path will require **maintenance** – the costs of which will also require a further **rate increase** in order to **balance the books**.

It is therefore reasonable to assume that that a completed Coast Path will equate to a rate increase in the order of 10%. A 10% increase to the 100% of the rates notices issued by the City of Charles Sturt to ratepayers, **90%** of whom would receive no direct or indirect benefit from the increase and who would probably place little or no value on the costs.

Unfortunately that is not all.

Council has assumed the responsibility for not only **maintenance** but, have also agreed to constructing the path in areas that been assessed at **very high risk of damage due to storms and erosion... and** accepted responsibility for **all, ALL** of the costs relating to subsequent damage.

Has nothing been learnt from West Beach and recent interstate experiences?

It appears that council is placing a **contingent liability millstone** around the necks of this and future generations at great cost and little benefit.

In conclusion I **implore** you – our Elected Representatives – to reconsider and as Plato would advise, **'question your assumptions'**.

Please seek to compromise for a less costly and more beneficial solution for our community.

I thank you for this opportunity and your time.

[Note: These minutes are unconfirmed until 13 February 2017]

- 8. That Council commit the balance of \$1.25m in the 17/18 financial year budget to match the total funding commitment of the state and to enable completion of the project by December 2017.**

Moved Councillor T Wasylenko, Seconded Councillor B Wasylenko

Carried Unanimously

At 8.13 pm Councillor Campbell resumed her seat.

Actual Declaration of Interest

Councillor Campbell declared an actual conflict of interest pursuant to section 74 of the Local Government Act for Item 4.12. The nature of Councillor Campbell's actual conflict is that she has been responsible for contract and project management of PISA as it is part of her job as Project Officer for the Department for Communities and Social Inclusion. Councillor Campbell dealt with the conflict of interest in the following transparent and accountable way by leaving the meeting at 8.14pm.

Perceived Declaration of Interest

Councillor Tullio declared a perceived conflict of interest pursuant to section 74 of the Local Government Act for Item 4.12. The nature of Councillor Tullio's perceived conflict is that she is a close friend of Dr G Vinci Chair of PISA. Councillor Tullio dealt with the conflict of interest in the following transparent and accountable way by leaving the meeting at 8.15pm.

Leave of the Meeting was sought in accordance with the Code of Practice for Meeting Procedures to hear a twelfth deputation. Leave was granted.

4.12 DEPUTATION – DISCRETION WARD ALLOWANCE – CONSIDERATION OF APPLICATIONS (B35)

Brief

A deputation request was received from Ms Kelley Russo and Ms Jackie Altamura to address Council in relation to the DWA Application for PISA.

At 8.17 pm Councillor Sykes left the meeting.

At 8.19 pm Councillor Sykes resumed his seat.

Motion

- 1. That the deputation be received and noted.**
- 2. That Ms Russo and Ms Altamura be thanked for their presentation and any notes be included in the minutes (refer Appendix A).**

Moved Councillor T Wasylenko, Seconded Councillor Turelli **Carried Unanimously**

[Note: These minutes are unconfirmed until 13 February 2017]

DEPUTATION – DISCRETION WARD ALLOWANCE – CONSIDERATION OF APPLICATIONS

Item 4.12

APPENDIX A

PISA is a non-for-profit community meal deliver service which has just relocated to the Royal Park area.

Although we are government funded, the funding we receive does not cover the expenses of the meal deliver service. We receive Federal funding for the over 65's and state funding for the under 65's. Our meals are tasty, healthy, nutritious and help to metabolise medications which intern assist with wellbeing and independence. Any person from any background can access our meals and soon we will be introducing a Greek menu offering further choice in flavours.

PISA is an alternative to Meals on Wheels and offers a larger meal which is cooked fresh on a daily basis. Many of our clients consume the main meals for lunch and the soup with a bread roll for dinner making it cost effective.

We operate Monday to Friday and have 130 volunteers that offer a friendly face when delivering a meal to the community.

Our meals are culturally appropriate and are made with love.

The grant will help us to plant a garden which will produce fruit and herbs to put back into the community meals. What can be fresher than straight from the garden to the plate. By creating a garden, we will be lifting the profile of what is a messy industrial area. It will encourage and lift the local community and give them something nice to look at.

We are hoping in the future that our little garden will create opportunities to build partnerships with locals, schools, other community programs, friendship groups and churches. We feel we will have a lot to offer the local and wider community.

PISA invites all members to the upcoming opening of the kitchen. An invitation will be forwarded to you soon.

Thank you for your time

Kelley Russo

[Note: These minutes are unconfirmed until 13 February 2017]

At 8.36 pm Councillors Campbell and Tullio resumed their seat.

Leave of the meeting was sought to bring forward Item 6.15 and consider each item individually. Leave was granted.

6.15 DISCRETIONARY WARD ALLOWANCE - CONSIDERATION OF APPLICATIONS (B35)
101**Brief**

Discretionary Ward Allowances are available to community groups and not-for-profit organisations which are seeking funding support for programs, projects, activities and events and this report is for Council to consider new applications that have been received.

Motion

- 1. That the Discretionary Ward Allowance application for Seaton Girls Calisthenics Club Inc. for \$652 be approved.**

Moved Councillor Turelli, Seconded Councillor Harley **Carried Unanimously**

- 2. That the Discretionary Ward Allowance application for the Vietnamese Community in Australia – SA Chapter Inc for \$5,000 be:**

- Approved for the amount of \$4,990 taking into consideration the above concern**

Moved Councillor Nguyen, Seconded Councillor Harley **Carried Unanimously**

- 3. That the Discretionary Ward Allowance application for Grange Uniting Netball Club for \$5,000 not be approved given that the applicant has received Discretionary Ward Allowance funding for the last three consecutive financial years for the purposes outlined in the application.**

Moved Councillor B Wasylenko, Seconded Councillor Turelli **Carried Unanimously**

Actual Declaration of Interest

Councillor Tullio declared an actual conflict of interest pursuant to section 74 of the Local Government Act for Item 6.15.4. The nature of Councillor Tullio's actual conflict is that her daughter works at St Michaels' School. Councillor Tullio dealt with the conflict of interest in the following transparent and accountable way by leaving the meeting at 8.42pm.

Material Declaration of Interest

Councillor Sykes declared a material conflict of interest pursuant to section 73 of the Local Government Act for Item 6.15.4. The nature of Councillor Sykes' material conflict is that his wife is the applicant for the item and left the meeting at 8.44pm.

[Note: These minutes are unconfirmed until 13 February 2017]

4. **That the Discretionary Ward Allowance application for St Michael's College for \$2,725 not be approved as it falls outside of the respective guidelines and policy.**

Moved Councillor Turelli, Seconded Councillor Harley

Carried

At 8.52 pm Councillors Tullio and Sykes resumed their seats.

5. **That the Discretionary Ward Allowance application for Canoe South Australia for \$2,500 be approved.**

Moved Councillor B Wasylenko, Seconded Councillor Ghent

Carried Unanimously

Material Declaration of Interest

Councillor Ghent declared a material conflict of interest pursuant to section 73 of the Local Government Act for Item 6.15.6. The nature of Councillor Ghent's material conflict is that he is the area coordinator for this group and will be responsible for the use and control of this equipment and left the meeting at 8.53pm.

Perceived Declaration of Interest

Councillor B Wasylenko declared a perceived conflict of interest pursuant to section 74 of the Local Government Act for Item 6.15.6. The nature of Councillor B Wasylenko's perceived conflict is that she is an area coordinator of another NHW (Hendon/Royal Park Area 210) which is a not for profit organisation. She is only the Ward Councillor, not a member of the Delfin Island NHW. Councillor B Wasylenko dealt with the conflict of interest in the following transparent and accountable way by remaining in the meeting.

Perceived Declaration of Interest

Councillor T Wasylenko declared a perceived conflict of interest pursuant to section 74 of the Local Government Act for Item 6.15.6. The nature of Councillor T Wasylenko's perceived conflict is that he is a member of another NHW (Hendon/Royal Park Area 210) being a not for profit organisation. Cr B Wasylenko is an area coordinator for Area 210, I am closely related to the Ward Councillor, Councillor B Wasylenko. Councillor T Wasylenko dealt with the conflict of interest in the following transparent and accountable way by remaining in the meeting.

6. **That the Discretionary Ward Allowance application for Delfin Island Neighbourhood Watch – Area 489 for \$1,428 be approved.**

Moved Councillor Scheffler, Seconded Councillor Turelli

Carried Unanimously

At 8.55 pm Councillor Ghent resumed his seat.

[Note: These minutes are unconfirmed until 13 February 2017]

Actual Declaration of Interest

Councillor Tullio declared an actual conflict of interest pursuant to section 74 of the Local Government Act for Item 6.15.7. The nature of Councillor Tullio's actual conflict is that she is a close friend of Dr G Vinci who is the Chair of PISA. Councillor Tullio dealt with the conflict of interest in the following transparent and accountable way by leaving the meeting at 8.56pm.

Actual Declaration of Interest

Councillor Campbell declared an actual conflict of interest pursuant to section 74 of the Local Government Act for Item 6.15.7. The nature of Councillor Campbell's actual conflict is that she has been responsible for contract and project management of PISA as it is part of her job as Project Officer for the Department for Communities and Social Inclusion. Councillor Campbell dealt with the conflict of interest in the following transparent and accountable way by leaving the meeting at 8.56pm.

7. That the Discretionary Ward Allowance application for Italian Home Delivered Meals and Services – PISA be:

- **Approved for the amount of \$4,950.**

Moved Councillor T Wasylenko, Seconded Councillor Turelli **Carried Unanimously**

At 9.01pm Councillors Campbell and Tullio resumed their seats.

8. That the Discretionary Ward Allowance application for Ukrainian Community School, auspiced by the Association of Ukrainians in South Australia, for \$4,990 be approved.

Moved Councillor Harley, Seconded Councillor T Wasylenko **Carried Unanimously**

9. That the Discretionary Ward Allowance application for Art N Heart for \$5,000 be approved. If approved it is recommended that rather than auctioning the chairs to be produced that these are gifted to organisations in the City of Charles Sturt community; noting that Council will receive one.

Moved Councillor Campbell, Seconded Councillor Alexandrides

Carried Unanimously

5. PETITIONS

Nil

[Note: These minutes are unconfirmed until 13 February 2017]

6. BUSINESS

Motion

That having read and considered the reports in the agenda related to items:

- 6.03 QUARTERLY REVIEW OF CONFIDENTIAL ORDERS
- 6.04 DELEGATIONS UNDER THE LOCAL NUISANCE AND LITTER CONTROL ACT
- 6.06 EASEMENT FOR SA POWER NETWORKS
- 6.07 ENCUMBRANCE 737 BURBRIDGE ROAD WEST BEACH
- 6.08 ENCUMBRANCE - QUIN STREET, BOWDEN
- 6.09 ENCUMBRANCE - JETTY STREET, GRANGE
- 6.10 WATERPROOFING THE WEST – WEST LAKES GOLF CLUB LAND
- 6.12 OPERATION BOUNCE BACK 2017 - OFFER OF FUNDING

Council adopt the motions as printed.

Moved Councillor T Wasylenko, Seconded Councillor Agius **Carried Unanimously**

6.01* CITY OF CHARLES STURT AWARD RECIPIENT - EXCELLENCE IN PUBLIC HEALTH (B7701) 6

Brief

To inform Council that the City of Charles Sturt was recently awarded the SA Health Award for Excellence in Community Focused Environmental Health Practice, presented for our Henley Square smoke-free implementation.

Motion

1. That the report be received and noted.
2. That Council formally recognise the receipt of the award and congratulates the Environmental Health Team for leading the Henley Square smoke-free project.

Moved Councillor T Wasylenko, Seconded Councillor Ghent **Carried Unanimously**

Adjournment – 9.09pm

That Council adjourn for a break for 10 minutes in accordance with the Code of Practice for Meeting Procedures.

Moved Councillor Campbell, Seconded Councillor Ghent **Carried**

Resumption of Proceedings – 9.20

That the period of adjournment be brought to an end.

Moved Councillor Harley, Seconded Councillor Agius **Carried Unanimously**

[Note: These minutes are unconfirmed until 13 February 2017]

6.03 QUARTERLY REVIEW OF CONFIDENTIAL ORDERS (B6206) 30

Brief

To conduct a quarterly review of items from Council and Committee meetings that remain under a confidentiality order.

Motion

- 1. That having read and considered the remaining Confidential Orders, the following Motions are endorsed:**
 - 1.1 That Council hereby orders in accordance with section 91(7) of the Local Government Act 1999, that the existing confidentiality order on the report and appendix to the original report of STRATEGIC DEVELOPMENT ITEM 9.4 - LOCAL HERITAGE REVIEW UPDATE - NOMINATIONS FOR LOCAL HERITAGE from 19/08/2013 meeting remain until the release of a subsequent Local Heritage Development Plan Amendment for statutory consultation under interim operation has been granted, based on the 'Reasoning' provided in Appendix A.**
 - 1.2 That Council hereby orders in accordance with section 91(7) of the Local Government Act 1999, that the existing confidentiality order on the minutes, report and appendices to the original report of STRATEGIC DEVELOPMENT ITEM 9.5 - LOCAL HERITAGE REVIEW UPDATE - SECOND ROUND OF NOMINATIONS FOR CONSIDERATION OF LOCAL HERITAGE LISTING from 16/12/2013 meeting remain until the release of a subsequent Heritage Development Plan Amendment for statutory consultation under interim operation has been granted, based on the 'Reasoning' provided in Appendix A.**
 - 1.3 That Council hereby orders in accordance with section 91(7) of the Local Government Act 1999, that the existing confidentiality order on the minutes, report and appendices to the original report of STRATEGIC DEVELOPMENT ITEM 9.1 - LOCAL HERITAGE PLACES AND HERITAGE POLICIES REVIEW - INFORMATION REPORT from 16/06/2014 meeting remain until such time as Interim Operation is granted by the Minister for Planning for a Heritage DPA and all properties affected by the Heritage DPA have been directly notified as part of the Heritage DPA statutory consultation process, based on the 'Reasoning' provided in Appendix A.**
 - 1.4 That Council hereby orders in accordance with section 91(7) of the Local Government Act 1999, that the existing confidentiality order on the minutes, report and Appendices to the original report of STRATEGIC DEVELOPMENT ITEM 9.2 - LOCAL HERITAGE PLACES AND HERITAGE POLICIES REVIEW from 21/07/2014 meeting remain until such time as Interim Operation is granted by the Minister for Planning for a Heritage DPA and all properties affected by the Heritage DPA have been directly notified as part of the Heritage DPA statutory consultation process, based on the 'Reasoning' provided in Appendix A.**

[Note: These minutes are unconfirmed until 13 February 2017]

- 1.5 That Council hereby orders in accordance with section 91(7) of the Local Government Act 1999, that the existing confidentiality order on the minutes, report and Appendices to the original report of CORPORATE SERVICES COMMITTEE 8.1 – ACCC AUTHORISATIONS from 04/05/2015 meeting remain until such time that the matter is resolved in regards to ACCC Authorisation, based on the ‘Reasoning’ on Appendix A.
- 1.6 That Council hereby orders in accordance with section 91(7) of the Local Government Act 1999, that the existing confidentiality order on the minutes, report and Appendices to the original report of COUNCIL 11.5 WOODVILLE TOWN HALL ROOF CLAIM from 24/08/2015 meeting remain until such time as the claim for damages by Council has been finalised and all legal recourses have been exhausted, based on the ‘Reasoning’ on Appendix A.
- 1.7 That Council hereby orders in accordance with section 91(7) of the Local Government Act 1999, that the existing confidentiality order on the minutes, report and Appendices to the original report of CITY SERVICES COMMITTEE 8.1 – LOCAL HERITAGE PLACES DEVELOPMENT PLAN AMENDMENT from 16/11/2015 meeting remain until such time as Interim Operation is granted by the Minister for Planning for a Heritage DPA and all properties affected by the Heritage DPA have been directly notified as part of the Heritage DPA statutory consultation process, based on the ‘Reasoning’ on Appendix A.
- 1.8 That Council hereby orders in accordance with Section 91(7) of the Local Government Act 1999 that the existing confidentiality order on the minutes and report to the original report of COUNCIL 11.1 WASTE AND RECYCLING CONTRACTS – UPDATE AND STRATEGIC DIRECTION from 14/06/16 be kept confidential until waste and recycling contracts established under the Council Solutions Waste Project process have been executed by all participating Councils.

Moved Councillor T Wasylenko, Seconded Councillor Agius **Carried Unanimously**

[Note: Item passed en bloc by Council]

6.04 DELEGATIONS UNDER THE LOCAL NUISANCE AND LITTER CONTROL ACT (B35) 40

Brief

For Council to consider delegating its power and functions under the Local Nuisance and Litter Control Act 2016 to the Chief Executive Officer.

Motion

1. Delegations made under the Local Government Act 1999.
 - 1.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Local Nuisance and Litter Control Act 2016 specified in the proposed Instrument of Delegation contained in Appendices A, are hereby

[Note: These minutes are unconfirmed until 13 February 2017]

delegated this 24 January 2017 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- 1.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

Moved Councillor T Wasylenko, Seconded Councillor Agius **Carried Unanimously**

[Note: Item passed en bloc by Council]

6.05* **REAL PROPERTY ACT-ELECTRONIC CONVEYANCING (B414)** 45

Brief

To authorise the Mayor and the Chief Executive Officer to act on behalf of Council as its *Client Agent/s* in *Conveyancing Transactions* (as those terms are defined in the Client Authorisation attached as **Appendix A**) and to authorise Norman Waterhouse Lawyers to act for Council in all Conveyancing Transactions in the manner set out in the attached *Client Authorisation* with the Lands Titles Office on Council's behalf.

Motion

1. That Council note that the Real Property Act has been amended to facilitate a new electronic conveyancing platform in respect of documents required to be executed by the Lands Titles Office and as such Council is required to adopt new operating procedures.
2. That Council endorse the Mayor and the Chief Executive Officer and any person acting in these positions as the *Client/s Agents*, noting that each person will be required to meet with Norman Waterhouse Lawyers (the *Prescribed Person*) for the purposes of *Verification of Identity* at the time the *Client Authorisation* is signed.
3. That the *Client Authorisation* form be prepared and signed as a *Standing Authority* for all *Conveyancing Transactions*, to be operative to 23 November 2018 OR until such time as either the incumbent Mayor and/or Chief Executive Officer changes.
4. That Council authorise the Mayor and the Chief Executive Officer to execute the *Client Authorisation* form, acting as the *Client/s Agents*, authorising Norman Waterhouse Lawyers (as *Subscriber* and *Prescribed Person*) to act for Council in all *Conveyancing Transactions* in the manner set out in the *Client Authorisation*.

[Note: These minutes are unconfirmed until 13 February 2017]

5. That Council note that in all future *Conveyancing Transactions*, Norman Waterhouse Lawyers will still be required to verify the authority of Council to undertake the transaction.

Moved Councillor Turelli,

At 9.21 pm Councillor Sykes resumed his seat.

Seconded Councillor Ghent

Carried Unanimously

6.06 EASEMENT FOR SA POWER NETWORKS (B1788) 50

Brief

To seek Council approval to establish an easement on Council land (Reserve) to enable SA Power Networks to install infrastructure for the supply of electricity.

Motion

1. That Council approve the request to enable SA Power Networks to install a padmount transformer and cabling on Council Reserve in Moorefield Terrace, Allenby Gardens.
2. That Council accept \$5,000 (GST exclusive) on behalf of SA Power Networks for occupying the subject land and having access over the land.
3. That the Council Easement to SA Power Networks is for the purpose of it or its agents installing SA Networks infrastructure and for ongoing access for maintaining or replacing that infrastructure.
4. That the granting of the Easement be subject to SA Networks meeting all costs associated with establishing and registering the Easement and the reinstatement of the Reserve area adjacent to the works, in a manner acceptable to Council.
5. That Council authorise the Mayor and the Chief Executive Officer to enter into all Conveyancing Transactions relevant to this matter and to sign all documents and provide such information as required to effect such Conveyancing Transactions.

Moved Councillor T Wasylenko, Seconded Councillor Agius

Carried Unanimously

[Note: Item passed en bloc by Council]

[Note: These minutes are unconfirmed until 13 February 2017]

- 3. That Council authorise the Mayor and the Chief Executive Officer to enter into all Conveyancing Transactions relevant to this matter and to sign all documents and provide such information as required to effect such Conveyancing Transactions.**

Moved Councillor T Wasylenko, Seconded Councillor Agius **Carried Unanimously**

[Note: Item passed en bloc by Council]

6.09 ENCUMBRANCE - JETTY STREET, GRANGE (B414) 62

Brief

To seek approval to discharge a Council Encumbrance over private property at 41 Jetty Street Grange that prevents building over a substantial portion of the land.

Motion

- 1. That Council agree to discharge the Council encumbrance over the property at 41 Jetty Street, Grange, with all costs to be borne by the property owner.**
- 2. That Council authorise the Mayor and the Chief Executive Officer to enter into all Conveyancing Transactions relevant to this matter and to sign all documents and provide such information as required to effect such Conveyancing Transactions.**

Moved Councillor T Wasylenko, Seconded Councillor Agius **Carried Unanimously**

[Note: Item passed en bloc by Council]

6.10 WATERPROOFING THE WEST – WEST LAKES GOLF CLUB LAND (B6166) 66

Brief

To exclude land (portion of West lakes Golf Club) from classification as Community Land prior to the land being placed into Council's care, control and management.

Motion

- 1. That pursuant to Section (4)(a) of the Local Government Act, Council resolve to exclude land (refer Appendix A) from the classification as Community Land.**
- 2. That Council endorse the subject land being transferred to Council care control and management.**
- 3. That Council accepts no responsibility for any contamination matters.**

Moved Councillor T Wasylenko, Seconded Councillor Agius **Carried Unanimously**

[Note: Item passed en bloc by Council]

[Note: These minutes are unconfirmed until 13 February 2017]

6.11* ST CLAIR RECREATION PRECINCT - CONSULTATION AND FUNDING STRATEGY (B7207) 72

Brief

This report serves to outline the proposed community consultation strategy for the St Clair Recreation Precinct redevelopment to occur over the coming two months. The report also provides further information regarding the ongoing amalgamation discussions between the Orion and Woodville Glengarry Tennis Clubs and potential funding sources to realise the vision.

Motion

- 1. That the report be received and noted.**
- 2. That Council, for the purposes of public consultation, provides in principle support for the St Clair Recreation Precinct Concept Plan (Appendix A).**
- 3. That Council endorse the consultation strategy including a minor expansion in the distribution map to include north of Torrens Road for the St Clair Recreation Precinct Concept Plan (Appendix B).**
- 4. That Council endorse the draft Memorandum of Understanding (MOU) between Council, the Orion Tennis Club and the Woodville Glengarry Tennis Club for the relocation of the Orion Tennis Club (Appendix C) and delegate authority to the Chief Executive Officer to make changes to the MOU and to sign the final document following execution by both Clubs.**
- 5. That the Mayor and Chief Executive Officer be authorised to execute the \$7.5m funding commitment from the State Government for the St Clair Recreation Precinct.**
- 6. That Council support ongoing dialogue with the State Government to attract additional funding opportunities to enable the project to be delivered to achieve the vision shown in the Concept Plan.**
- 7. That upon receipt of the \$7.5m state government contribution an expenditure budget of \$7.5m be created in the 16/17 financial year to enable stage 1 works (being the establishment of the tennis courts).**

Moved Councillor Nguyen, Seconded Councillor T Wasylenko **Carried Unanimously**

[Note: These minutes are unconfirmed until 13 February 2017]

7. MOTIONS ON NOTICE

Nil

8. QUESTIONS ON NOTICE

Nil

9. MOTIONS WITHOUT NOTICE

Nil

10. QUESTIONS WITHOUT NOTICE

Nil

11. BUSINESS – PART II – CONFIDENTIAL ITEMS

Nil

12. REPORTS OF COMMITTEES – PART II – CONFIDENTIAL

Nil

13. MEETING CLOSURE

The meeting concluded at 9.32 pm.

The foregoing minutes are to be taken as read and confirmed at the meeting of Council on Monday, 13 February 2017.

A EVANS, MAYOR

DATED / /