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**City of Onkaparinga**  
**Minutes of the Special Council meeting**  
**held on 23 July 2019**

**Venue:** Council Chamber, Civic Centre  
Ramsay Place, Noarlunga Centre

**Meeting commenced:** 8pm

**Present:** Mayor E Thompson  
Cr M Bray  
Cr S Brown (8.01pm)  
Cr B Cowan  
Cr de Graaf  
Cr G Eaton  
Cr W Jamieson  
Cr S McMahon  
Cr M O'Brien  
Cr W Olsen  
Cr M Themeliotis

**Apologies:** Cr Greaves  
Cr Peat

**Leave of absence:** Nil

**Absent:** Nil

**Pledge:**

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

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**1. Opening of meeting**

Mayor Thompson officially declared the meeting open at 8pm.

Cr Jamieson read the pledge.

**2. Reports of officers**

Nil.

**3. Confidential items**

**3.1 Deputation – Seaford Meadows development – Michael Hickinbotham, Hickinbotham Seaford Meadows Project team**

*MOVED Cr McMahon.*

*1. That:*

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, the deputees and council's legal adviser/s, be excluded from attendance at the meeting in order to consider this item in confidence*
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, the deputees and legal adviser/s, be excluded to enable the Council to consider the information at the meeting on the following grounds:  
Section 90(3)(i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;*
- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr O'Brien.*

**CARRIED**

Cr Brown entered the meeting at 8.01pm.

*MOVED Cr O'Brien.*

- 2 a. That the matter of Seaford Meadows Development deputation, having been considered by the Council in confidence under Sections 90(2) and Section 90(3)(i) of the Local Government Act 1999, that an order be made under the provisions of Sections 91(7) and (9) of the Local Government Act 1999 that the deputation and discussion relating to the subject matter be kept confidential.*
- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr de Graaf.*

**CARRIED**

### **3.2 Seaford Meadows Development - Mediation Update**

*MOVED Cr O'Brien.*

*1. That:*

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty and the Council's legal advisor/s, be excluded from attendance at the meeting in order to consider this item in confidence*
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty and its legal advisor/s, be excluded to enable the Council to consider the information at the meeting on the following grounds:*
  - Section 90(3)(h) legal advice*
  - Section 90(3)(i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;*
- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr Themeliotis.*

**CARRIED**

Cr Olsen left his seat in the Chamber at 9.06pm.

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

2-3 - Confidential

*MOVED Cr O'Brien.*

- 4 a. That the matter of Seaford Meadows Development – Mediation Update, having been considered by the Council in confidence under Sections 90(2) and Section 90(3)(h) and (i) of the Local Government Act 1999, that an order be made under the provisions of Sections 91(7) and (9) of the Local Government Act 1999 that the agenda report (including attachments), discussion and minutes of the Council relating to discussion of the subject matter be kept confidential, excluding communications with Hickinbotham and their advisors, any court related personnel and any media statements that may be released at key points in the settlement process, where legally appropriate.*
- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr Themeliotis.*

**CARRIED**

### 3.3 Aldinga School Shared Use

*MOVED Cr Themeliotis.*

*1. That:*

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to discuss the report at the meeting on the following grounds:*

*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;*
- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr Jamieson.*

**CARRIED**

Cr de Graaf left her seat in the Chamber at 9.23pm.

Cr de Graaf resumed her seat in the Chamber at 9.25pm.

**2 - Confidential**

*MOVED Cr Jamieson.*

- 3. a. That the matter of The Aldinga School Shared Use having been considered by the Council in confidence under sections 90(2) and 90(3)(d) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the agenda report, discussion and minutes of the Council relating to discussion of the subject matter be kept confidential until commercial negotiations have been finalised and proponents and the state government approve release of information in accord with their respective confidentiality provisions.*
- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr Eaton.*

**CARRIED**

Mayor Thompson reopened the meeting to the public at 10.01pm.

**4. Closure**

There being no further business Mayor Thompson officially declared the meeting closed at 10.01pm.

*Certified Correct .....Chair*

/ /2019