

## Council Meeting – Minutes

23 January 2024 | 7.00 pm  
Council Chamber, Civic Centre  
401 Greenhill Road, Tusmore

**Members Present:** Mayor Anne Monceaux  
Councillors Cornish, Davey, Daws, Hallett, Harvey, Henschke, Huebl, Jennings, Jones, Turnbull, Wilkins and Xing

**Staff Present:** Chris Cowley, Chief Executive Officer  
Barry Cant, Director, Environment and Place  
Matthew Spearman, Director, Corporate

### 1. Opening

Her Worship the Mayor declared the meeting open at 7.00 pm.

### 2. Acknowledgement of Traditional Owners

With the opening of the meeting Her Worship the Mayor stated:

*We acknowledge this land that we meet on today is the traditional land of the Kaurna People and that we respect their spiritual relationship with their country.*

*We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the Kaurna people today.*

*We pay respect to the cultural authority of Aboriginal people visiting or attending from other areas of South Australia and Australia.*

### 3. Memorial Silence

Her Worship the Mayor stated:

*On behalf of the City of Burnside, I gratefully acknowledge and pay respect to all those who have sacrificed their lives for this country and its people. We also consider in our thoughts all those who today are being affected by war around the globe and especially those in Ukraine and the Middle East.*

### 4. Opening Statement

Her Worship the Mayor read the Opening Statement:

*We seek understanding and guidance in our debate, as we make decisions that will impact on the lives of all those who reside, study, work in and visit the City of Burnside. Grant us wisdom as we serve our community.*

**5. Announcements**

Her Worship the Mayor made announcements to the Chamber regarding Emergency Procedures, Live Streaming, Use of Microphones and Queuing System, Mobile Phones and Public Gallery.

**6. Apologies and Leave of Absence**

- 6.1 Apologies – Nil
- 6.2 Absent - Nil
- 6.3 Leave of Absence - Nil

**7. Declaration of Interest Reminder**

Members were reminded to declare their interest before each item.

**8. Confirmation of Minutes**

**Motion**

**C230124/13601**

Moved Councillor Cornish, Seconded Councillor Turnbull

That the minutes of the Ordinary Council Meeting held on 12 December 2023 be taken as read and confirmed.

**CARRIED**

**9. Adjourned Business - Nil**

**10. Public Presentations**

- 10.1 Public Question Time

**10.1.1 Stormwater Connection**

Mr Janus of Erindale asked a question regarding stormwater connection.

The Chief Executive Officer, Mr Chris Cowley provided an answer.

- 10.2 Presentations – Nil

- 10.3 Deputations

**10.3.1 Street Tree Removal - 2 Caithness Avenue, Beaumont**

Mr Henry Inat of Beaumont made a deputation regarding street tree removal at 2 Caithness Avenue, Beaumont.

**10.3.2 Commercialisation of Tusmore Neighborhood Zone**

Mr Neville Martin of Tusmore made a deputation regarding the commercialization of the Tusmore Neighbourhood Zone.

10.4 Petitions - Nil

**11. Reports**

*In accordance with Chapter 3, Clause 3.1.5 of the Code of Practice – Procedures at Meetings, the Presiding Member requested Council Members to indicate any items that they wish to ask questions or debate. The matters listed below were dealt with as straight forward items before consideration of the other matters listed on the agenda.*

**11.1 Appointment of Independent Member to the Audit & Risk Committee**

**Motion** **C230124/13602**

Moved Councillor Daws, Seconded Councillor Cornish

That Council appoints Peter Scargill to the position of Independent Member of the City of Burnside Audit and Risk Committee for a period of two (2) years, expiring 31 December 2025.

**CARRIED**

**11.2 Finance End of Month Report - December 2023**

**Motion** **C230124/13603**

Moved Councillor Henschke, Seconded Councillor Xing

That Council receives and notes the Finance End of Month Report for December 2023.

**CARRIED**

**11.3 Hewitt Avenue Reserve (Rose Park) Edible Pocket Garden Concept Plan**

**Motion** **C230124/13604**

Moved Councillor Henschke, Seconded Councillor Cornish

That Council:

1. Endorses the Hewitt Avenue Reserve concept design presented at Attachment 1; and
2. Includes a budget submission for the development to be included for consideration in the Draft 2024/25 Annual Business Plan and Budget.

**TIED**

**Her Worship the Mayor used her casting vote for the motion and declared it CARRIED**

**Division**

A division was called by Councillor Jones and the previous decision was set aside.

Those voting for: Councillors Xing, Jennings, Huebl, Hallett, Cornish, Henschke and Mayor Monceaux (7)

Those voting against: Councillors Jones, Wilkins, Davey, Harvey, Turnbull and Daws (6)

**Her Worship the Mayor declared the Motion CARRIED**

**11.6 Brown Hill Keswick Creek**

**Motion C230124/13605**

Moved Councillor Cornish, Seconded Councillor Daws

That Council receives and notes the Brown Hill Keswick Creek Report.

**CARRIED**

**11.8 CEO KPIs 2023/24 Mid-Year Review**

**Motion C230124/13606**

Moved Councillor Cornish, Seconded Councillor Xing

That Council:

1. Endorses the CEO Review Committee's recommended amendment to the 2023/24 Financial Year CEO KPIs from *"Reduce the number of Customer Requests which are exceeding Council's set timeframes by more than 20 days, to under 5% of the total open customer requests."* to *"Reduce the number of Customer Requests that are exceeding 20 days overdue to be below 5% against the monthly rolling average of lodged requests and including the presentation of an aged analysis of the overdues"* as presented in Attachment 2.
2. Receives and notes the CEO Review Committee minutes from 11 December 2023.
3. Receives and notes the CEO KPI Mid-Year 2023/24 presentation.

**CARRIED**

**11.9 Mayor's Activity Report - 23 November 2023 to 22 December 2023**

**Motion C230124/13607**

Moved Councillor Henschke, Seconded Councillor Hallett

That Council receives and notes the Mayor's Activity Report - 23 November 2023 to 22 December 2023.

**CARRIED**

*In accordance with Chapter 3, Clause 3.1.5 of the Code of Practice - Procedures at Meetings, the matters listed below were withdrawn and considered separately.*

#### **11.4 2024 Council Member Training and Development Plan**

##### **Motion**

**C230124/13608**

Moved Councillor Davey, Seconded Councillor Cornish

That Council:

1. Endorses the Council Member Training and Professional Development Plan for 2024, incorporating further Team Building activities for Council Members to assist in the development of positive, collaborative and constructive working relationships between Council Members.
2. Ensures that the Team Building activities are facilitated by a skilled provider with knowledge, skills and experience in metropolitan SA local government.
3. Notes that the Mandatory Refresher Training Modules will be presented on 7 May 2024, 18 June 2024, 2 July 2024 and 30 July 2024.
4. Notes that it is each individual Council Member's responsibility to complete the mandatory training modules prior to November 2024, after which the provisions of section 80A(2b) of the *Local Government Act 1999* will apply."

**CARRIED**

##### **Point of Order**

Councillor Turnbull raised a point of order in relation to Councillor Henschke speaking off topic.

Her Worship the Mayor ruled that Councillor Henschke's contribution was not relevant to the subject matter of the debate and therefore contrary to Regulation 15(5).

##### **Division**

A division was called by Councillor Jones and the previous decision was set aside.

Those voting for: Councillors Xing, Davey, Wilkins, Jennings, Daws, Turnbull, Harvey, Cornish, Henschke (9)

Those voting against: Councillors Jones, Huebl and Hallett (3)

**Her Worship the Mayor declared the Motion**

**CARRIED**

### 11.5 Greater Adelaide Freight Bypass

Moved Councillor Cornish, Seconded Councillor Wilkins

That Council:

1. Writes to the Hon Tom Koutsantonis MP (Minister for Infrastructure and Transport), the Hon Catherine King MP (Federal Minister for Infrastructure, Transport, Regional Development and Local Government), the Hon Vincent Tarzia MP (Shadow Minister for Infrastructure and Transport), Senator the Hon Bridget McKenzie MP (Shadow Minister for Infrastructure, Transport and Regional Development) and Mr Jack Batty MP (Member for Bragg) regarding the City of Burnside's:
  - a. continuing concerns about the safety of all road users (pedestrians, cyclists and drivers) due to large freight trucks utilising the South Eastern Freeway and subsequently navigating through local streets, notably Portrush Road and Glen Osmond Road;
  - b. support for the renewed attention on, and funding for, the Truro Bypass project, advocating for a well-designed and shovel-ready solution that aligns with the essential needs of the region; and
  - c. request for a commitment to the progression of the Greater Adelaide Freight Bypass as pledged, emphasizing its priority status and acknowledging its substantial significance to the Burnside community.
2. Writes to the ERA region Councils to encourage support of Burnside's position and to request that they also write to the relevant Ministers with their respective Council's position on the matter.
3. Submits a motion to the upcoming LGA SA Ordinary General Meeting, seeking support from the LGA SA to lobby the Federal and State governments, seeking their continued evaluation, funding and ultimate delivery of the Greater Adelaide Freight Bypass and associated details.

**CARRIED**

### Variation

The mover Councillor Cornish agreed to the variation proposed by seconder Councillor Wilkins for the inclusion of Mr James Stevens MP, Federal Member for Sturt in part 1 of the motion.

The mover Councillor Cornish and Seconder Councillor Wilkins agreed to the variation proposed by Mayor Monceaux for the inclusion of the Mayor, Mid-Murray Council in part 1 of the motion.

The mover Councillor Cornish and Seconder Councillor Wilkins agreed to the variation proposed by Councillor Cornish for the inclusion of Mr Steven Marshall MP, Member for Dunstan.

The debate on the motion as varied continued.

**Motion as Varied**

**C230124/13609**

That Council:

1. Writes to the Hon Tom Koutsantonis MP (Minister for Infrastructure and Transport), the Hon Catherine King MP (Federal Minister for Infrastructure, Transport, Regional Development and Local Government), the Hon Vincent Tarzia MP (Shadow Minister for Infrastructure and Transport), Senator the Hon Bridget McKenzie MP (Shadow Minister for Infrastructure, Transport and Regional Development), Mr James Stevens MP (Federal Member for Sturt), Mr Jack Batty MP (Member for Bragg), Steven Marshall MP (Member for Dunstan) and the Mayor, Mid-Murray Council regarding the City of Burnside's:
  - a. continuing concerns about the safety of all road users (pedestrians, cyclists and drivers) due to large freight trucks utilising the South Eastern Freeway and subsequently navigating through local streets, notably Portrush Road and Glen Osmond Road;
  - b. support for the renewed attention on, and funding for, the Truro Bypass project, advocating for a well-designed and shovel-ready solution that aligns with the essential needs of the region; and
  - c. request for a commitment to the progression of the Greater Adelaide Freight Bypass as pledged, emphasizing its priority status and acknowledging its substantial significance to the Burnside community.
2. Writes to the ERA region Councils to encourage support of Burnside's position and to request that they also write to the relevant Ministers with their respective Council's position on the matter.
3. Submits a motion to the upcoming LGA SA Ordinary General Meeting, seeking support from the LGA SA to lobby the Federal and State governments, seeking their continued evaluation, funding and ultimate delivery of the Greater Adelaide Freight Bypass and associated details.

**CARRIED**

Mr Chris Cowley, Chief Executive Officer declared a general conflict of interest for Item 11.7 ERA Water Independent Review Request. The nature of his general conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that he is an ERA Water Board Member. Mr Cowley dealt with his interest by leaving the meeting.

Mr Cowley left the Chamber at 8.05 pm

**11.7 ERA Water Independent Review Request**

Moved Councillor Cornish, Seconded Councillor Davey

Councillor Henschke left the Chamber at 8.11 pm and returned at 8.12 pm

That Council:

1. Does not support funding an external independent review of ERA Water at this time; and
2. Requests the CEO to provide a copy of the 2019 Tonkin Consulting ERA Water Independent Review Report to the Town of Walkerville.

**TIED**

**Her Worship the Mayor used her casting vote against the motion and declared it LOST**

**Motion**

**C230124/13610**

Moved Councillor Jones, Seconded Councillor Cornish

That Council:

1. Supports the Town of Walkerville’s request to engage an external consultant in the first half of the 2024 calendar year to undertake a comprehensive review of ERA Water with a feasibility of its long-term financial sustainability, alternative non-financial benefits of membership and any risks associated with both the continuation and/or cessation of the subsidiary.
2. Council agrees to contribute to the funding of this review to the value of \$15,000.

**CARRIED**

**Division**

A division was called by Councillor Davey and the previous decision was set aside.

Those voting for: Councillors Xing, Wilkins, Jennings, Jones, Huebl, Daws, Turnbull, Hallett, Harvey, Cornish and Henschke (11)

Those voting against: Councillor Davey (1)



**Her Worship the Mayor declared the Motion**

**CARRIED**

Chris Cowley returned to the Chamber at 8.40 pm  
Councillor Jennings left the Chamber at 8.40 pm and returned at 8.41 pm  
Councillor Harvey left the Chamber at 8.41 pm and returned at 8.42 pm

**11.10 Chief Executive Officer Report - December 2023**

**Motion**

**C230124/13611**

Moved Councillor Davey, Seconded Councillor Xing

Councillor Hallett left the Chamber at 8.43 pm and returned at 8.44 pm

That Council:

1. Receives and notes the Chief Executive Officer Report - December 2023;
2. Determines:
  - a. that it will hold Information and Briefing sessions:
    - i. as required on the first and third Tuesdays of each month commencing at 6pm and running for a maximum of 2.5 hours, noting that in rare circumstances involving external stakeholders or due to timing that some Information or Briefing Sessions may be required to be held on days other than Tuesdays;
    - ii. will be predominately held in the Linden and Tusmore rooms located on Level 1 of the Burnside Civic Centre;
    - iii. will be chaired by the CEO or their delegate.
  - b. that Council Member Training and Professional development sessions are held for a maximum of 3 hours in accordance with the endorsed Council Member Training and Development Plan.
  - c. that the CEO is delegated the authority to determine the dates, times and locations of Information and Briefing or Council Member Training and Professional Development sessions.
3. Notes the Behavioural Support Policy workshop will be held on Thursday 29 February 2024.

**CARRIED**

## 12. Questions on Notice

### 12.1 Trees in Stonyfell

*Councillor Turnbull asked the following questions:*

1. In the past 5 years, how many Council street trees have been planted in the suburb of Stonyfell?
2. What is currently the survival rate of these trees?
3. Of the deceased trees, how many have been replaced?
4. How can we improve on the rate of attrition?
5. When eucalypts are planted in Stonyfell, on the average what is the age of the newly planted trees?
6. When planting trees, what provision is made to allow for tree losses within the early months, rather than wait for 2 years to replace them?

#### **Answer - Chief Executive Officer**

1. 173.
2. *89% over the 5 year period, with the vast majority of these losses occurring in a one year period.*
3. *All known losses within Council's verges have either been replaced or are scheduled to be replaced in the coming planting season - there are 26 trees planned for planting in Stonyfell in 2024.*
4. *The current Policy position – 6.2.2.5 By selecting appropriate species for planting based on their suitability for the site, performance and potential to contribute to the streetscape/open space.*

*Current service level:*

- *Planting 1 to 2 year old trees*
- *Hole dug for planting in existing soil (no specific soil preparation)*
- *Most trees staked for protection*
- *Regular watering and fertilising for three years*
- *There are a number of factors available to improve the attrition rate of Council planted trees, all of which are being considered for implementation by the Administration:*
  - *Establishing a dynamic street tree masterplan to allow greater flexibility in the selection of tree species (not an increase in service levels, but a project currently on our action plan) – the intent is to deliver this calendar year, pending any changes to priorities.*
  - *Planting younger trees (may provide better establishment, but maybe more susceptible to damage and will require additional watering) – The Administration will continue to monitor and will select appropriate aged plantings for the location.*

- Soil improvement (increase in time taken and improved methodology to plant a tree) - Noting additional resourcing requirements, this could be run as a trial in areas where there is attrition rates are not as high as other areas. It would be recommended to consider this following the completion of the street tree masterplan revision.
- Extension of tree watering and fertilising program – this would be subject to increased budgets and service provisions – the administration is monitoring to determine whether this is required.

5. 1 - 2 years (height 0.5m to 1m and pot size 25 litres).
6. For each planting season, planning and ordering is undertaken 6 months prior. Only the number of trees and species required are ordered and subsequently planted for that season. As there is no way of foreseeing the performance of individual trees and Council not having the capacity to hold trees for extended periods of time, spare trees are not ordered. Noting that Council does have the Biodiversity Nursery, this is fully occupied with the propagation and growing of native plants each year.

Upon removing a tree, its location is assessed for replanting, which if suitable is undertaken in the next planting season. As it is possible that a tree can be removed after ordering of the tree planting stock, this replacement can take up to 2 years.

## 12.2 Code of Conduct / Complaints

Councillor Harvey asked the following questions:

How many Council Member Code of Conducts / Complaints have there been over the last 5 years and how much were the associated legal fees, mediation costs and other reimbursements?

### Answer - Chief Executive Officer

Financial Year	Number of Complaints - Code of Conduct for Council Members*	Number of Complaints - Behavioural Standards for Council Members**	Total Expenditure on Complaints***
2019/20	2		\$ 19,700.35
2020/21	0		\$ -
2021/22	1		\$ 15,606.90
2022/23	3	2	\$ 23,137.49
2023/24		4	\$ 3,441.00
<b>Total</b>	<b>6</b>	<b>6</b>	<b>\$ 61,885.74</b>

Note:

\* In place until 17/11/2022

\*\* Commenced 17/11/2022 – only includes complaints received in writing that had an investigation report provided as an outcome

\*\*\* Includes legal fees, mediation costs and reimbursements allowed for by policy

### **12.3 Vehicle Accidents in Erindale Shopping Centre Car Park**

*Councillor Harvey asked the following questions:*

How many accidents have occurred in the last 5 years with out of control vehicles colliding with force into shops at the Erindale Shopping Centre?

#### **Answer - Chief Executive Officer**

*Unless SAPOL choose to record a serious incident i.e. the fatality that occurred in the Erindale Shopping Centre loading dock in June 2017, traffic incidents are generally not recorded within private parking areas. As such, for the five year period from 2018 to 2022, Council has no knowledge or details of any crashes occurring within the Erindale Shopping Centre Carpark located on Kensington Road, Kensington Gardens. 2023 crash data will not be available to Council until mid-year 2024.*

### **Adjournment – Refreshment Break**

**C280622/13612**

Moved Councillor Jones, Seconded Councillor Wilkins

That the Council Meeting adjourns for an 8-minute refreshment break at 8.51 pm

**CARRIED**

The Council Meeting resumed following the refreshment break at 9.01 pm when a quorum was present.

## **13. Motions on Notice**

### **13.1 Rescission Motion: Dog and Cat Management Plan**

Councillor Huebl entered the Chamber at 9.02 pm

Councillor Wilkins entered the Chamber at 9.03 pm

Moved Councillor Jones, Seconded Councillor Henschke

That Council:

1. Rescinds Item 11.3 of the 12 December 2023 Council meeting: That Council approves \$30,000 through the mid-year budget review for a review of the Council's Dog and Cat Management Plan, to be undertaken in the first half of 2024.
2. Adopts the draft Dog and Cat Management Plan 2024 (Attachment 1) for public consultation and that a copy be forwarded to the Dog and Cat Management Board for comment.

#### **Amendment**

Moved Councillor Davey, Seconded Councillor Wilkins

That a part 2. Is inserted after part 1.: "On page 11 of the draft Dog and Cat Management Plan 2024, after the text "*The Council does not have a By-law concerning the*

*management of cats*” add the wording “*however, the Council can commence the process of adopting a By-law at any time*”, and part 4. is added that Council receives a report by the end of March 2024 in relation to the process and costs of pursuing a Cat By-law and the cat management options that could be considered.

**LOST**

Debate on the motion continued.

### **Variation**

The mover Councillor Jones and Seconder Councillor Henschke agreed to the variation proposed by Councillor Xing for the inclusion of part 3 to invite the Dog and Cat Management Board to present to Council their review of The Act.

### **Motion as Varied**

**C230124/13613**

That Council:

1. Rescinds Item 11.3 of the 12 December 2023 Council meeting: That Council approves \$30,000 through the mid-year budget review for a review of the Council’s Dog and Cat Management Plan, to be undertaken in the first half of 2024.
2. Adopts the draft Dog and Cat Management Plan 2024 (Attachment 1) for public consultation and that a copy be forwarded to the Dog and Cat Management Board for comment.
3. Invites the Dog and Cat Management Board to present to Council on their review of The Act.

**Her Worship the Mayor put the motion as varied and it was**

**CARRIED**

### **Leave of the Meeting**

Councillor Henschke sought leave of the meeting to raise a Motion Without Notice to change the title of the next item on the Agenda.

Leave of the meeting was granted.

### **Motion Without Notice**

**C230124/13614**

Moved Councillor Henschke, Seconded Councillor Cornish

That Council amends the title of item 13.2 for debate and Council Minutes to “Planning and Design Code Amendment”.

**CARRIED**

### **13.2 Planning and Design Code Amendment**

Moved Councillor Henschke, Seconded Councillor Cornish

That Council:

1. Writes to the Minister for Planning to request that the State Government consider undertaking a Code Amendment which has the effect of reducing the ability of non-residential uses to be established in Zones where the primary purpose is residential, particularly where there is a Historic Area Overlay; and
2. Consideration should be given to including policies to the same effect as Resolution 1 in Council's Masterplan Code Amendment.

### **Variation**

The mover Councillor Henschke and Seconder Councillor Cornish agreed to the variation proposed by Councillor Daws to clarify part 2 to read 'includes policies as above in the Council's Masterplan Code Amendment currently being prepared'.

### **Motion as Varied**

**C230124/13615**

That Council:

1. Writes to the Minister for Planning to request that the State Government consider undertaking a Code Amendment which has the effect of reducing the ability of non-residential uses to be established in Zones where the primary purpose is residential, particularly where there is a Historic Area Overlay; and
2. Includes policies as above in Council's Masterplan Code Amendment currently being prepared.

**CARRIED**

### **Point of Order**

Councillor Jones raised a point of order in relation to Councillor Henschke's contribution misleading the Chamber on two accounts; that the motion is only asking to write a letter when the motion is changing the Masterplan Code Amendment and that it only includes historic areas.

Her Worship the Mayor ruled that Councillor Jones is correct and asked Councillor Henschke to clarify the last couple of statements and restate them.

### **Division**

A division was called by Councillor Jones and the previous decision was set aside.

Those voting for: Councillor Xing, Davey, Wilkins, Jennings, Daws, Turnbull, Hallett, Harvey, Cornish and Henschke (10).

Those voting against: Jones and Huebl (2)

**Her Worship the Mayor declared the Motion**

**CARRIED**

**Motion – Extension of Time**

**C230124/13616**

Moved Councillor Wilkins, Seconded Councillor Jennings

That the Council meeting continues to 10.40 pm to allow for the business of Council listed on the agenda for the meeting to be completed.

**CARRIED**

**14. Urgent or Other Business - Nil**

**15. Confidential Items**

**15.1 Street Tree Removal - 2 Caithness Avenue Beaumont**

**Motion**

**C230124/13617**

Moved Councillor Cornish, Seconded Councillor Wilkins

Exclusion of the Public – Section 90(3) (h and l) Order

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except the Council Members of the City of Burnside, the Chief Executive Officer, Director Corporate, Director Environment and Place, Group Manager City Development and Safety, Group Manager People and Innovation and Executive Assistant to CEO, Mayor and Councillors be excluded from attendance at the meeting for Item 15.1 'Street Tree Removal – 2 Caithness Avenue, Beaumont (Report No. 2023-387).
2. The Council is satisfied that:
  - h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice from our legal providers relating to this matter.
  - i. pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to litigation that the Council believes on reasonable grounds will take place.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

**CARRIED**

**Motion – Extension of Time**

**C230124/13618**

Moved Councillor Wilkins, Seconded Councillor Jennings

That the Council meeting continues to 10.50 pm to allow for the business of Council listed on the agenda for the meeting to be completed.

**CARRIED**

**Motion**

**C230124/13619**

Moved Councillor Jones, Seconded Councillor Cornish

That Council:

1. Endorses the removal of the three *Pinus halepensis* (Aleppo Pines) located adjacent 2 Caithness Avenue, Beaumont, subject to receiving all necessary consents.
2. Plants three replacement trees in the 2024 planting season with a suitable species to maintain the character of the area.

**CARRIED**

**Division**

A division was called by Councillor Wilkins and the previous decision was set aside.

Those voting for: Councillors Huebl, Jones, Jennings, Wilkins, Xing, Cornish and Hallett (7)

Those voting against: Davey, Henschke, Harvey, Daws and Turnbull (5)

**Her Worship the Mayor declared the Motion**

**CARRIED**

**Retain in Confidence**

**Motion**

**C230124/13620**

Moved Councillor Cornish, Seconded Councillor Henschke

That Council:

1. Having considered Agenda Item 15.1 Street Tree Removal – 2 Caithness Avenue, Beaumont in confidence under section 90(2) and (3)(h & i) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) and (9) of that Act orders that:
  - a. Report No: 2023-387, Attachments 1 and 2 to Report No: 2023-387 will remain confidential on the basis that the disclosure of this information would involve the disclosure of legal advice and litigation that the Council believes on reasonable grounds will take place pursuant to section 90(3)(h & i) of the *Local Government Act 1999*.
  - b. Report No: 2023-387, Attachments 1 and 2 to Report No: 2023-387 will not be available for public inspection for the period of 5 years at which time this order will be reviewed by the Council; and
  - c. This confidentiality order will be reviewed by the Council at least once in every 12-month period.



- d. The Chief Executive Officer is delegated authority that the order be revoked in whole or part.
- 2. For the item named in clause 1 and associated sub clauses, unless:
    - a. the period in respect of any order made under Section 91(7) of the *Local Government Act 1999* lapses; or
    - b. Council resolves to revoke an order made under Section 91(7) of the *Local Government Act 1999*; or
    - c. the Chief Executive Officer determines pursuant to delegated authority that the order be revoked;
    - d. any discussions of the Council on the matter and any recording of those discussions are also confidential.

**CARRIED**

**16. Closure**

The meeting closed at 10.48 pm.

Minutes confirmed this

day of

2024

Mayor / Presiding Member