

18.2 Request to remove significant tree in front of 10A Augusta Street, Glenelg (Report No: 347/21)**Motion – Exclusion of the Public – Section 90(3)(i) Order****C091121/2475**

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 347/21 Request to Remove Significant Tree in front of 10a Augusta Street, Glenelg in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 347/21 Request to Remove Significant Tree in front of 10a Augusta Street, Glenelg on the following ground:**
 - 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 potential litigation that the Council believes on reasonable grounds will take place involving the Council if the tree is not removed, which will be discussed, and this information ought not be made available to the public as it could be detrimentally affect the Council's position if litigation is progressed.**
- 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.**

Moved Councillor Bradshaw, Seconded Councillor Clancy

Carried Unanimously

Botten Levinson Lawyers on behalf of the resident of 10A Augusta Street Glenelg has presented a written request for Council to remove a mature Southern Mahogany (*Eucalyptus botryoides*) tree (the tree) in front of 10a Augusta Street, Glenelg.

In accordance with Council's Tree Management Policy the request must be considered by Council as the tree is 'Significant' under the Planning, Development and Infrastructure Act 2016, which means the request must also be approved through the development process, subject to Council approval.

Councillor Lonie re-joined the meeting 8.40pm

Motion

That Council having considered the application from Botten Levinson Lawyers on behalf of the resident of 10A Augusta Street, decline the request to provide landowner's consent to remove the significant tree in front of 10A Augusta Street, Glenelg and advise the applicant accordingly.

Adjournment**C091121/2476**

That the report be adjourned until the next Council meeting to allow for clarification to be sought from the Strata Corporation on their view on the removal of the tree.

Moved Councillor Bradshaw, Seconded Councillor Miller

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order**C091121/2477**

That having considered Agenda Item 18.2 Report No: 347/21 Request to Remove Significant Tree in front of 10A Augusta Street, Glenelg in confidence under section 90(2) and (3)(i) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act, orders that the Report and Attachments be retained in confidence until further notice and the Chief Executive Officer is authorised to release the documents when the matter is concluded, giving due consideration to any relevant legal considerations, and that this order be reviewed every 12 months.

Moved Councillor Lindop, Seconded Councillor Miller

Carried Unanimously

CONFIRMED

23 November 2021

MAYOR