



MINUTES

of

COUNCIL MEETING

held in the

**WALKERVILLE CIVIC CENTRE
COUNCIL CHAMBERS
66 WALKERVILLE TERRACE GILBERTON**

on

MONDAY 19 JUNE 2017 AT 7.00PM

KIKI MAGRO
CHIEF EXECUTIVE OFFICER

MINUTES
19 June 2017

The Mayor declared the meeting open at 7.00pm

1. ATTENDANCE RECORD

1.1 Present

Mayor R Grigg
Councillor G Busato
Councillor E Fricker
Councillor M Graham-King
Councillor D Shetliffe
Councillor G Webster
Councillor J Williams

Chief Executive Officer, K Magro
General Manager, H Barclay
Protocol, Compliance & Governance Officer, D Bria
Manager Assets & Infrastructure, J Bowen
Manager Community Development & Engagement, F Deckert
Manager Customer Experience, L Allery
Manager Communications & Marketing, S DeNicola
Manager Finance, G Lewis
Manager Planning & Environment, M Kwiatkowski
Property & Contracts Officer, A Down

1.2 Apologies

Nil

1.3 Not Present / Leave of Absence

MOVED: Councillor Shetliffe
SECONDED: Councillor Webster

CNC441/16-17

That Councillor Whiting be granted leave of absence until 30 June 2017.

CARRIED

Councillor Bishop – Leave of Absence granted 15 May 2017

2. CONFIRMATION OF MINUTES

MOVED: Councillor Graham-King
SECONDED: Councillor Fricker

CNC442/16-17

That the minutes of the Council meeting held on the 15 May 2017 be confirmed as a true and accurate record of the proceedings.

3. DECLARATIONS OF INTEREST (material, actual, perceived)

Nil

4. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED TRAINING, CONFERENCES OR SEMINARS

4.1 Mayors Report

MOVED: Councillor Busato
SECONDED: Councillor Williams

CNC443/16-17

That Council receives and notes the Mayoral Diary as amended from 15 May 2017 to 8 June 2017.

CARRIED

5. QUESTIONS WITHOUT NOTICE

5.1 Walkerville Sports Club - Councillor Graham-King

Following on from an application made by the Walkerville Sports Club Committee some months ago, for the Club to erect a semi permanent awning in the BBQ area of the sports club, can Administration please inform Council, when it will make a decision in regards to this application?

Administration Response – General Manager

This question will need to be taken on notice. The Manager Planning & Environment is not aware of an application presented by the Sports Cub to erect a semi permanent awning.

6. QUESTIONS FROM THE GALLERY

Nil

7. QUESTIONS ON NOTICE

Nil

8. PETITIONS

Nil

9. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

Nil

10. MOTIONS WITHOUT NOTICE

Nil

11. MOTIONS WITH NOTICE

Nil

12. REPORTS REQUIRING DECISION OF COUNCIL

12.1 Strategy

12.1.2 Public Lighting Project

MOVED: Councillor Busato

SECONDED: Councillor Fricker

CNC444/16-17

That Council advise the Cities of Unley and Campbelltown that whilst it supports alternative lighting solutions that will reduce lighting costs, at this stage Council will observe and reconsider this matter once the tender process is finalised and viable options are available for further deliberation.

CARRIED

12.2 Policy

12.2.1 Parking on Council Verges

MOVED: Councillor Williams

SECONDED: Councillor Graham-King

CNC445/16-17

Council advises the LGA that it does not support change to the Australian Road Rules to enable parking, wholly or in part, on Council verges, unless specific infrastructure has been installed (such as indented parking bays), for that purpose.

CARRIED

12.2.2 Rating Policy

MOVED: Councillor Shetliffe

SECONDED: Councillor Williams

CNC446/16-17

That Council;

1. Reviews and notes the Rates Policy

2. Adopts the Policy as its current Rates Policy.

CARRIED

12.3 Operational

12.3.1 Budget Review 3 for 2016-17

MOVED: Councillor Williams
SECONDED: Councillor Shetliffe

CNC447/16-17

That Council adopts the third budget review for the FY 2016-2017 and the variances contained therein and that it becomes the current budget for the period ended 30 June 2017 and request Administration to review the treatment of ERA Water Funds with the Auditor in relation to performance ratios.

CARRIED

12.3.2 Key Performance Ratios

MOVED: Councillor Shetliffe
SECONDED: Councillor Webster

CNC448/16-17

1. That Council receives and notes the Key Performance Ratios Report;
2. That Council sets the following financial ratios:
 - a. The Operating Surplus ratio target 0 – 10 % average over the next 5 year period
 - b. Net financial liabilities ratio target less than 120% average over the next 5 year period
 - c. Asset Sustainability ratio target 90 -110% average over the next 10 year period
3. That a policy be developed to reflect the principles of setting Council's Key Financial Ratio Target Indicators to be completed for the Draft 2018 – 2019 Annual Business Plan and Budget process.

CARRIED

12.3.3 CEO Performance Review Committee – Review of Charter

MOVED: Councillor Shetliffe
SECONDED: Councillor Webster

CNC449/16-17

That Council adopts the CEO Performance Review Committee Terms of Reference marked as **Attachment A** with an amendment to reflect membership being the Mayor, Deputy Mayor and two additional members

CARRIED

12.3.4 CEO Performance Review Committee – Membership Review

MOVED: Councillor Busato
SECONDED: Councillor Fricker

That Council appoints Councillors Williams & Busato to the Chief Executive Officer Performance Review Committee for a period of 12 months.

Amendment

MOVED: Councillor Shetliffe
SECONDED: Councillor Webster

That Council appoints Councillors Graham-King & Busato to the Chief Executive Officer Performance Review Committee for a period of 12 months.

The Amendment on being put was *lost on the casting vote of the Mayor*

With the amendment being lost the Mayor put the original motion and upon being put was carried.

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC450/16-17

That Council appoints Councillors Williams & Busato to the Chief Executive Officer Performance Review Committee for a period of 12 months.

CARRIED

At 7.42 pm a division was requested by Councillor Webster.

This set aside the Presiding Member's declaration that the Motion was Carried, the Presiding Member then took the division being:

Those *for* the motion: Councillors Shetliffe, Fricker, Busato & Williams

Those *against* the motion: Councillor's Webster & Graham-King

As a result of the Division the Presiding Member declared the **Motion was Carried**

12.3.5 Delegations Review

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC451/16-17

That having conducted a review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment A & B (each of which is individually identified as indicated below) are hereby delegated this 19 June 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.
 - 1.1.1 Dog & Cat Management Act 1995 (Attachment A)
 - 1.1.2 Planning, Development and Infrastructure Act 2016 (Attachment B).
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.

CARRIED

12.3.6 Transition from Development Assessment Panel to Council Assessment Panel

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC452/16-17

1. That Council receives and notes the update on Assessment Panels from the Department of Planning Transport and Infrastructure.
2. That Council appoints Councillor Shetliffe to the role of member of the Council Assessment Panel when the Planning, Development and Infrastructure Act 2016 is enacted.
3. That administration provide a further update on the Code of Conduct for the Town of Walkerville Council Assessment Panel (CAP) once the LGA legal advice and formal response is received.

CARRIED

12.3.7 Walkerville and Prospect Building Fire Safety Committee Terms of Reference

MOVED: Councillor Shetliffe
SECONDED: Councillor Fricker

CNC453/16-17

That Council receive and note the updated Walkerville and Prospect Building Fire Safety Committee Terms of Reference.

CARRIED

12.3.8 Highbury Landfill Authority Draft Budget for 2017-18

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC454/16-17

That Council;

1. endorses the Draft Budget for 2017/18 for the Highbury Land Authority (HLA) as set out in Attachment A; and
2. instructs Administration to write to HLA to inform them of their decision.

CARRIED

12.3.9 Eastern Health Authority Budget Review 3 for 2016-17

MOVED: Councillor Shetliffe
SECONDED: Councillor Fricker

CNC455/16-17

That the Council:

1. notes and endorses the Eastern Health Authority's (EHA) Budget Review 3 for the FY 2016-17; and
2. instructs Administration to write to the EHA informing them of Councils decision.

CARRIED

12.3.10 Eastern Health Authority Budget and Annual Business Plan for 2017-18

MOVED: Councillor Shetliffe
SECONDED: Councillor Webster

CNC456/16-17

That the Council;

1. notes and endorses the Draft Annual Business Plan and Budget for 2017/18 for the Eastern Health Authority (EHA) as set out in Attachment A; and
2. instructs Administration to write to the EHA informing them of Councils decision.

CARRIED

12.3.11 CAPEX – OPEX Report

MOVED: Councillor Shetliffe
SECONDED: Councillor Graham-King

CNC457/16-17

That Council:

- a) receive and note 2016/17 CAPEX Projects Program Status Report, June 2017; and
- b) approve \$8,000 of the 2016/17 Capital Works budget for Vale House to be carried forward into 2017/18 CAPEX Projects Program for works to be approved by State Heritage Branch.

CARRIED

13. IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

MOVED: Councillor Webster
SECONDED Councillor Shetliffe

CNC458/16-17

That items 14.3.2, 14.3.4, 14.3.7, 14.3.11, 14.3.12, 14.3.13 & 14.3.14 be moved as per their recommendations.

CARRIED

14. REPORTS PRESENTED FOR INFORMATION

14.1 Strategy

Nil

14.2 Policy

Nil

14.3 Operational

14.3.1 Walkerville / Campbelltown Depot Shared Services – Interim Review

MOVED: Councillor Shetliffe
SECONDED: Councillor Fricker

CNC459/16-17

That Council receives and notes the Walkerville / Campbelltown Depot Shared Services Interim Review, prepared by BRM Holdich and dated May 2017, appearing as Attachment A to this report.

CARRIED

14.3.2 Monthly Financials

MOVED: Councillor Webster

SECONDED: Councillor Shetliffe

CNC460/16-17

That Council receives and notes the Monthly Financial Report as at 31 May 2017.

CARRIED

14.3.3 Annual Treasury Report

MOVED: Councillor Busato

SECONDED: Councillor Fricker

CNC461/16-17

That Council receives and notes the Annual Treasury Report.

CARRIED

14.3.4 Related Party Transaction Reporting

MOVED: Councillor Webster

SECONDED: Councillor Shetliffe

CNC462/16-17

The Council receives and notes the report.

CARRIED

14.3.5 Customer Experience Service Report

MOVED: Councillor Webster

SECONDED: Councillor Busato

CNC463/16-17

That Council receives and notes the Customer Experience Service Report for May 2017.

CARRIED

14.3.6 Works Report for May 2017

MOVED: Councillor Graham-King

SECONDED: Councillor Williams

CNC464/16-17

That Council receives and notes the Works Report for May 2017.

CARRIED

14.3.7 Audit Committee Minutes

MOVED: Councillor Webster
SECONDED: Councillor Shetliffe

CNC465/16-17

That Council receives and notes the Audit Committee minutes for the meeting convened on 22 May 2017.

CARRIED

14.3.8 EBEC 2016/17 Q3 Performance Report

MOVED: Councillor Graham-King
SECONDED: Councillor Busato

CNC466/16-17

That Council receives and notes the Eastside Business Enterprise Centre (EBEC) 2016/17 Q3 Performance Report.

CARRIED

14.3.9 ERA Water Superintendents Report

MOVED: Councillor Webster
SECONDED: Councillor Graham-King

CNC467/16-17

That the Superintendent's Construction Progress Report appearing as Attachment A is received and noted.

CARRIED

14.3.10 ERA Water Board Minutes

MOVED: Councillor Webster
SECONDED: Councillor Shetliffe

CNC468/16-17

That Council receives and notes the ERA Water Board Minutes for the meeting convened on 29 May 2017.

CARRIED

14.3.11 East Waste Management Authority Board Minutes

MOVED: Councillor Webster
SECONDED: Councillor Shetliffe

CNC469/16-17

That Council receives and notes the East Waste Board Minutes for the Special meeting convened on Thursday 25 May 2017.

CARRIED

14.3.12 East Waste Management Authority Tonnage Rates

MOVED: Councillor Webster
SECONDED: Councillor Shetliffe

CNC470/16-17

That the report provided by the Eastern Waste Management Authority (trading as East Waste), showing the monthly tonnages collected for the period July 2016 – June 2017 and the monthly recycling statistics for April 2017 be received and noted.

CARRIED

14.3.13 Eastern Health Authority Audit Committee Minutes

MOVED: Councillor Webster
SECONDED: Councillor Shetliffe

CNC471/16-17

That Council receives and notes the minutes from the Eastern Health Authority Audit Committee Meeting convened on 24 May 2017.

CARRIED

14.3.14 Outstanding Council Resolutions / Action Report

MOVED: Councillor Webster
SECONDED: Councillor Shetliffe

CNC472/16-17

That Council receives and notes the list of Council resolutions currently being processed as at 19 June 2017.

CARRIED

14.3.15 Correspondence

MOVED: Councillor Shetliffe
SECONDED: Councillor Williams

CNC473/16-17

That Correspondence marked as attachment A – C be noted.

CARRIED

15. URGENT OTHER BUSINESS

Nil

16. CONFIDENTIAL ITEM

At 8.46pm Councillor Shetliffe left the Chamber

16.1.1 Leasing of 13 Alfred Street, Walkerville

At 8.47pm Councillor Graham-King left the Chamber

MOVED: Councillor Fricker
SECONDED: Councillor Williams

CNC474/16-17

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Council's Chief Executive Officer, Kiki Magro, the General Manager, Heather Barclay, Property and Contracts Officer, Allison Down, Protocol, Compliance & Governance Officer, Deb Bria, Manager Finance, G Lewis, Manager Customer Experience, Linda Allery & Manager Assets & Infrastructure Joshua Bowen be excluded from attendance at the meeting for Agenda Item Leasing of 13 Alfred St, Walkerville.

The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information that is commercial information of a confidential nature the disclosure of which could reasonably expected to prejudice the commercial position of the person who supplied the information or that would confer a commercial advantage on a third party and that would, on balance, be contrary to the public interest.

CARRIED

At 8.49pm Councillor Shetliffe re entered the Chamber

At 8.50pm Councillor Graham-King re entered the Chamber

Recommendation (Confidential)

MOVED: Councillor Webster
SECONDED: Councillor Fricker

That Council:

1. takes no further action in relation to resolution **CNC139/16-17** from 27 September 2016, seeking to implement a short term lease with Ms. Sally Cudmore; and
2. authorises the CEO to execute a commercial lease with Ms. Sally Cudmore, upon successfully negotiating the following terms as set out in the 'Purchase Plan & Evaluation' report (Attachment A):
 - o a new commercial lease based on a *Retail and Commercial Leases Act 1995* template;
 - o a lease term of up to five years with an option to renew for a further five years;
 - o a rental of up to 100% of the market value being \$25,000 per annum but no less than 75%, which equates to \$19,125 per annum with CPI increases applied annually; and
3. instruct administration to write to Ms. Sally Cudmore advising her that Council wishes to enter into a commercial lease, upon successfully negotiating terms.

Amendment

MOVED: Councillor Busato
SECONDED: Councillor Shetliffe

CNC475/16-17

That Council:

1. takes no further action in relation to resolution **CNC139/16-17** from 27 September 2016, seeking to implement a short term lease with Ms. Sally Cudmore; and
2. authorises the CEO to execute a commercial lease with Ms. Sally Cudmore, upon successfully negotiating the following terms as set out in the 'Purchase Plan & Evaluation' report (Attachment A):
 - o a new commercial lease based on a *Retail and Commercial Leases Act 1995* template;
 - o a lease term of up to five years with an option to renew for a further five years at the sole discretion of Council;
 - o a rental of up to 100% of the market value being \$25,000 per annum but no less than 75%, which equates to \$19,125 per annum with CPI increases applied annually; and
3. instruct administration to write to Ms. Sally Cudmore advising her that Council wishes to enter into a commercial lease, upon successfully negotiating terms.

CARRIED

The Mayor put the amendment which was carried and upon becoming the motion was again put and carried.

Recommendation

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC476/16-17

Pursuant to s.91(7)

That having considered Agenda Item Leasing of 13 Alfred St, Walkerville in confidence under section 90(2) and 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes relevant to this Agenda Item be retained in confidence for a period of 5 years excepting that Council authorises the release of the minutes to substantive party/parties to enable enactment of the resolution and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to review and revoke this Order and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* Council and re-admit the public.

CARRIED

16.1.2 Walkerville Lawn Tennis Club Lease

MOVED: Councillor Shetliffe
SECONDED: Councillor Graham-King

CNC477/16-17

Pursuant to s90(3)(d)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Chief Executive Officer, Kiki Magro, General Manager, Heather Barclay, Property & Contracts Officer, Allison Down, Protocol, Compliance & Governance Officer, Deb Bria, Manager Finance, Gary Lewis, Manager Customer Experience, Linda Allery & Manager Assets & Infrastructure, Joshua Bowen be excluded from attendance at the meeting for Agenda Item Walkerville Lawn Tennis Club Lease.

The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which 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.

CARRIED

Recommendation (Confidential)

MOVED: Councillor Webster
SECONDED: Councillor Graham-King

That Council:

1. offer the Walkerville Lawn Tennis Club a five (5) year lease with a five (5) year right of renewal on the property known as Walkerville Lawn Tennis Club, corner of Stephen Terrace and Creswell Court, Gilberton, on the terms of lease attached;
2. set an annual rent of \$1,500;
3. authorise the Chief Executive Officer to make such non material amendments as required to finalise and execute the lease by 1 September 2017 or provide a report back to Council; and
4. retrospectively apply the new lease fee to the rental owed to Council for the current year when the previous lease expired on 30 September 2016.

Amendment

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC478/16-17

That Council:

1. offer the Walkerville Lawn Tennis Club a five (5) year lease with a five (5) year renewal at the sole discretion of Council, on the property known as Walkerville Lawn Tennis Club, corner of Stephen Terrace and Creswell Court, Gilberton, on the terms of lease attached;
2. set an annual rent of \$3,000;
3. authorise the Chief Executive Officer to make such non material amendments as required to finalise and execute the lease by 1 September 2017 or provide a report back to Council.

CARRIED

The Mayor put the amendment which was carried and upon becoming the motion was again put and carried.

At 9.52pm a division was requested by Councillor Webster.

This set aside the Mayors declaration that the Motion was Carried, the Mayor then took the division being:

Those for the motion: Councillors Shetiffe, Fricker, Busato, & Williams

Those against the motion: Councillors Webster & Graham-King

As a result of the Division the Mayor declared the **Motion** was **Carried**

Recommendation - Public

MOVED: Councillor Fricker
SECONDED: Councillor Busato

CNC479/16-17

Pursuant to s.91(7)

That having considered Agenda Item Walkerville Lawn Tennis Club Lease in confidence under section 90(2) and 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report entitled Walkerville Lawn Tennis Club Lease, its attachments and the minutes relevant to this Agenda Item be retained in confidence for a period of 12 months or until a new lease has been signed, a public announcement has been made, the matter has been finalised / excepting that Council authorises the release of the minutes to substantive party/parties to enable enactment of the resolution and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to review and revoke this Order

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* Council and re-admit the public.

CARRIED

16.1.3 Walkerville Bowling Club Lease

MOVED: Councillor Williams
SECONDED: Councillor Fricker

CNC480/16-17

Pursuant to s90(3)(d)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Chief Executive Officer, Kiki Magro, the General Manager, Heather Barclay, the Property & Contracts Officer, Allison Down and Protocol Compliance & Governance Officer, Deb Bria, Manager Finance G Lewis, Manager Customer Experience Linda Allery & Manager Assets & Infrastructure Joshua Bowen be excluded from attendance at the meeting for Agenda Item Walkerville Bowling Club Lease.

The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which 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.

CARRIED

MOVED: Councillor Fricker
SECONDED: Councillor Webster

CNC481/16-17

That Council:

1. offer the Walkerville Bowling and Community Club Inc a 1 year lease with a 1 year renewal at the sole discretion of Council on the property known as Walkerville Bowling Club, Corner of Smith Street and Church Terrace, Walkerville on the terms of lease attached;
2. set an annual rent of \$1,500;
3. authorise the Chief Executive Officer to make such non material amendments as required to finalise and execute the lease by 1 September 2017 or provide a report back to Council.

CARRIED

MOVED: Councillor Fricker
SECONDED: Councillor Webster

CNC482/16-17

Pursuant to s.91(7)

That having considered Agenda Item Walkerville Bowling Club Lease in confidence under section 90(2) and 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report entitled Walkerville Bowling Club Lease, its attachments and the minutes relevant to this Agenda Item be retained in confidence for a period of 12 months or until a new lease has been signed, a public announcement has been made, the matter has been finalised / excepting that Council authorises the release of the minutes to substantive party/parties to enable enactment of the resolution and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to review and revoke this Order;

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* Council and re-admit the public.

CARRIED

16.1.4 INEA YMCA Request for Lease Extension

Recommendation Public

MOVED: Councillor Busato
SECONDED: Councillor Shetliffe

CNC483/16-17

Pursuant to s90(3)(d)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all

members of the public, except the Chief Executive Officer, Kiki Magro, General Manager, Heather Barclay Property and Contracts Officer, Allison Down, Protocol, Compliance & Governance Officer, Deb Bria, Manager Finance G Lewis, Manager Customer Experience Linda Allery & Manager Assets & Infrastructure Joshua Bowen be excluded from attendance at the meeting for Agenda Item, INEA YMCA – Request for Lease Extension

The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which 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.

The matter relates to the terms of the lease between the Council and the Young Men's Christian Association of Inner North East of Adelaide Incorporated (INEA YMCA).

In addition, Council has further considered that the information would on balance be contrary to the public interest because it refers to the commercial terms of the lease mentioned above.

CARRIED

Recommendation (Confidential)

MOVED: Councillor Fricker
SECONDED: Councillor Shetliffe

Council grants a short term lease extension to INEA YMCA (Young Men's Christian Association of Inner North East Adelaide Incorporated), until 31 December 2020, with rental beyond the current term (cessation date of 31 December 2018), to be calculated pursuant to the terms contained within the current lease, Clause 4.10.1 for rent review.

Amendment

MOVED: Councillor Webster
SECONDED: Councillor Graham-King

That Council extend the current term from 31 December 2018, to including 3 +2 years: thus bringing the term to 31 December 2021 (+2 years to 31 December 2023)

AMENDMENT LOST

With the amendment being lost the Mayor put the original **Motion** and upon being put was **Carried**.

MOVED: Councillor Fricker
SECONDED: Councillor Shetliffe

CNC484/16-17

Council grants a short term lease extension to INEA YMCA (Young Men's Christian Association of Inner North East Adelaide Incorporated), until 31 December 2020, with rental

beyond the current term (cessation date of 31 December 2018), to be calculated pursuant to the terms contained within the current lease, Clause 4.10.1 for rent review.

CARRIED

At 10.20pm a division was requested by Councillor Webster.

This set aside the Mayors declaration that the **Motion** was **Carried**, the Mayor then took the division being:

Those for the motion: Councillors Shetliffe, Fricker, Williams & Busato

Those against the motion: Councillors Webster & Graham King

As a result of the Division the Mayor declared the **Motion** was **Carried**

MOVED: Councillor Webster

SECONDED: Councillor Busato

CNC485/16-17

Pursuant to s.91(7)

That having considered Agenda Item INEA YMCA – Request for Lease Extension in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments relevant to this Agenda Item be retained in confidence for a period of 12 months and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to review and revoke this Order.

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* Council and re-admit the public.

CARRIED

16.1.5 ERA Water Financials

Recommendation Public

MOVED: Councillor Fricker

SECONDED: Councillor Busato

CNC486/16-17

That pursuant to Section 90(2) of the Local Government Act 1999 Council order that the public be excluded, with the exception of the Chief Executive Officer, Kiki Magro, the General Manager Heather Barclay and the Protocol Compliance and Governance, Officer Deb Bria, Manager Finance G Lewis, Manager Customer Experience Linda Allery & Manager Assets & Infrastructure Joshua Bowen from being present at the meeting on the basis that the matter contained in this report entitled ERA Water Financial Report) is information of a confidential

nature (not being a trade secret) as specified in subsections 90(3)(d) of the Act and the disclosure of which could reasonably be expected to:

- prejudice the commercial position of the person who supplied the information;
or
- confer a commercial advantage on a third party

CARRIED

Recommendation

MOVED: Councillor Shetliffe
SECONDED: Councillor Busato

CNC487/16-17

That the ERA Water Financial Report as at 30 April 2017 be received and noted.

CARRIED

Recommendation

MOVED: Councillor Fricker
SECONDED: Councillor Busato

CNC488/16-17

That the Council, having considered the said information or matter in confidence under Part 3 of Chapter 6 of the Local Government Act 1999, orders, pursuant to Section 91(7) of the Local Government Act 1999, that the ERA Water Financial Report and any other documentation relative to the report be retained in confidence excluding minutes for 12 months or until such time as the project is finalised

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the Local Government Act 1999 Council and re-admit the public

CARRIED

CLOSURE

The meeting closed at 10.31pm

Presiding Member Signature:.....

Date:.....