



MINUTES

of

COUNCIL MEETING

to be held in the

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

on

MONDAY 16 MAY 2016 AT 7.00PM

KIKI MAGRO
CHIEF EXECUTIVE OFFICER

MINUTES
16 May 2016

The Presiding Member declared the meeting open at 7.00pm

1. ATTENDANCE RECORD

1.1 Present

Deputy Mayor D Shetliffe
Councillor M Bishop
Councillor G Busato
Councillor E Fricker
Councillor G Webster
Councillor D Whiting
Councillor J Williams

General Manager, H Barclay
Protocol, Compliance & Governance Officer, D Bria
Manager Assets & Infrastructure, J Bowen
Manager Customer Service, F Deckert
Manager Finance, G Lewis
Marketing & Communications Manager, S DeNicola
Property & Contracts Manager, J Forde

1.2 Apologies

Nil

1.3 Not Present / Leave of Absence

Mayor Grigg – Approved 15 February 2016

Councillor Graham-King – Approved 21 March 2016

2. CONFIRMATION OF MINUTES

MOVED: Councillor Webster
SECONDED: Councillor Busato

CNC387/15-16

That the minutes of the Council meeting held on the 18 April 2016 be confirmed as a true and accurate record of the proceedings.

CARRIED

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

Material Interests

Deputy Mayor Shetliffe declared a material conflict of interest in item 15.1.1 Eastern Health Authority Budget and Annual Business Plan 2016-17 and item 15.1.2 Eastern Health Authority Board Minutes as he is a Board Member of the Eastern Health Authority. Councillor Shetliffe informed Members that he will leave the Chamber whilst these matters were being considered.

Councillor Bishop declared a material conflict of interest in item 15.1.1 Eastern Health Authority Budget and Annual Business Plan 2016-17 and item 15.1.2 Eastern Health Authority Board Minutes as she is a Board Member of the Eastern Health Authority. Councillor Bishop informed Members that she will leave the Chamber whilst these matters were being considered.

Councillor Webster declared a material conflict of interest in item 15.1.3 Highbury Landfill Authority Draft Budget 2016-17 as he is a Board Member of the Highbury Landfill Authority. Councillor Webster informed Members that he will leave the Chamber whilst the matter was being considered.

Councillor Whiting declared a material conflict of interest in item 13.3.2 Third Party Community Groups - Utilising Council Resources as his wife runs the Vale Park Our Patch Program. Councillor Whiting informed Members that he will leave the Chamber whilst the matter was being considered.

Perceived

Councillor Williams declared a perceived conflict of interest in item 17.1.2 INEA YMCA Status Report, May 2016 as his property aligns the boundary of the INEA YMCA. Councillor Williams informed Members that he will remain in the Chamber and vote on the matter.

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

4.1 Mayors / Deputy Mayors Report

MOVED: Councillor Fricker

SECONDED: Councillor Bishop

CNC388/15-16

That Council receives and notes the Mayoral / Deputy Mayor Diary from 14 April 2016 –11 May 2016.

CARRIED

4.2 Local Government Association of SA (LGA) Conference & Ordinary General Meeting

MOVED: Councillor Bishop

SECONDED: Councillor Webster

CNC389/15-16

That Council receive and note Deputy Mayor Shetliffe's report on the LGA's Conference and Ordinary General Meeting.

CARRIED

5. QUESTIONS WITHOUT NOTICE

Nil

6. QUESTIONS FROM THE GALLERY

6.1.1 Walkerville Depot Site – Walkerville Residents Association Representative, Mrs C Wigg

In view of Council's arrangement to share Campbelltown Council's depot what are Council's intentions for the future of the Walkerville Depot Site?

Administration Response – General Manager

There is no decision on Council's books in regard to the Walkerville Depot Site.

6.1.2 O'Bahn Project - Walkerville Residents Association Representative, Mrs C Wigg

Has Council had any further discussion with DPTI on the retention of access to Gilberton from Park Road/Terrace?

Administration Response – General Manager

I understand that the O'Bahn Project Manager from DPTI contacted the CEO prior to her going on leave and advised that community consultation had been completed and the results were being provided to DPT's relevant Manager for review. At this stage we have not been provided with any further information.

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

Nil

13.2 Policy

Nil

13.3 Operational

13.3.1 Community Land Policies and Procedures Review

MOVED: Councillor Fricker

SECONDED: Councillor Bishop

CNC390/15-16

That Council endorse the Strategic Planning and Development Policy Committee's resolution of 18 April 2016, relating to Council's ongoing review of its community land policies and procedures as follows:

1. That Administration develop a schedule that proposes classification of open space and proposed levels of service to inform performance measures for Community Land Management Plans.
2. That Administration undertake research to determine when the Depot site and the Civic Centre site were excluded from Community Land classification or otherwise.
3. That the draft Community Land Management Plans and draft Leases and Licenses Policy attached to this report "Community Land Management Plan & Related Policies Review" and dated 8 April 2016 be endorsed with the following amendments:
 - a. In relation to the policy;
 - Policies related also include 'Tree Management Policy'
 - Clause 6.2, be amended to read and include 'unless otherwise agreed by Council'
 - Clause 6.2.5 be changed to read 'consumption of alcohol is prohibited'
 - Clauses 8 and 9 be removed
 - In relation to clause 5, criteria be established for commercial leases/licences (business purposes) and for community leases/licences (community purposes), and a definition of 'commercial' and 'community' is determined as it relates to this matter
 - An additional clause be included to require market rent valuation prior to lease or licence renewal
 - b. In relation to the Community Land Management Plans;
 - That development plan zoning be included in each Community Land Management Plan
 - Clarify definition of 'freehold', 'reserve'
 - Clarify Councils responsibilities as it relates to 'allotment 140 and Part St Peters Billabong'
 - The Administration embellish the Community Land Management Plans to address items raised within the legal advice

and these matters are referred back to the Strategic Planning and Development Policy Committee prior to being submitted to Council.

CARRIED

13.3.2 Third Party Community Groups - Utilising Council Resources



At 7.14 pm Councillor Whiting left the Chamber

MOVED: Councillor Webster
SECONDED: Councillor Williams

CNC391/15-16

1. That Council endorses the waiving of user fees or charges for venue hire for local community organisations as outlined in Attachment A of this report excluding item 2 of the schedule as set out in Attachment A.
2. That Council enters into Memorandum of Understandings (MOU's) with each group whom exercise the right to take up the waiver for a period up to, but not exceeding 30 June 2017.

CARRIED

At 7.18 pm Councillor Whiting re-entered the Chamber.

13. IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC392/15-16

That items 14.3.2, 14.3.4, 14.3.5, 14.3.6 & 14.3.8 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 2015 2016 CAPEX OPEX Projects Status Report May 2016

MOVED: Councillor Whiting
SECONDED: Councillor Bishop

CNC393/15-16

That Council receives and notes the Capital Expenditure Status Report for May 2016, and formally acknowledges the delays expected associated with the refurbishment works to the Gilberton Swing Bridge (into 2016/17), and authorises that the funds for that program and/or any remaining funds in that program be carried forward into the 2016/17 capital budget and program.

CARRIED

14.3.2 Monthly Financials - April 2016

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC394/15-16

That Council receives and notes the Monthly Financial Report for April 2016.

CARRIED

14.3.3 Works Report May 2016

MOVED: Councillor Busato
SECONDED: Councillor Webster

CNC395/15-16

That Council receives and notes the Works Report for April 2016.

CARRIED

14.3.4 Community Services Report

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC396/15-16

That Council receives and notes the Community Services Report for May 2016.

CARRIED

14.3.5 Friends of the Wesleyan Cemetery Minutes

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC397/15-16

That Council receives and notes the minutes of the Friends of the Wesleyan Cemetery Committee for the meeting convened on 12 April 2016.

CARRIED

14.3.6 EBEC Performance Report 1 July 2015 to 31 March 2016

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC398/15-16

That Council receives and notes the Eastside Business Enterprise Centre (EBEC) 1st, 2nd and 3rd quarterly 2015/16 Performance Report.

CARRIED

14.3.7 Correspondence

MOVED: Councillor Busato
SECONDED: Councillor Webster

CNC399/15-16

That Council receives and notes the correspondence marked as attachment A-D.

CARRIED

14.3.8 Outstanding Resolutions - Action Report

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC400/15-16

That Council receives and notes the list of outstanding Council resolutions as at 16 May 2016.

CARRIED

15. SUBSIDIARY REPORTS

At 7.33pm Deputy Mayor & Councillor Bishop left the Chamber

In the absence of the Presiding Member the General Manger, called for nominations to preside over the meeting for agenda items 15.1.1 & 15.1.2.

MOVED: Councillor Whiting
SECONDED: Councillor Webster

CNC401/15-16

That Councillor Williams preside over the meeting for Agenda items 15.1.1 & 15.1.2.

CARRIED

Councillor Williams assumed the role of Presiding Member

15.1.1 Eastern Health Authority Budget and Annual Business Plan 2016-17

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC402/15-16

That Council endorses the Eastern Health Authority (EHA) Draft Annual Business Plan and Budget (ABP) for 2016/17.

CARRIED

15.1.2 Eastern Health Authority Board Minutes

MOVED: Councillor Whiting

SECONDED: Councillor Busato

CNC403/15-16

That Council receives and notes the Eastern Health Authority Board Minutes for the meeting convened on 27 April 2016.

CARRIED

At 7.35pm Deputy Mayor Shetliffe & Councillor Bishop re-entered the Chamber and the Deputy Mayor resumed his role as Presiding Member

At 7.35pm Councillor Webster left the Chamber

15.1.3 Highbury Landfill Authority Draft Budget 2016-17

MOVED: Councillor Whiting

SECONDED: Councillor Williams

CNC404/15-16

That Council endorse the draft budget prepared by Highbury Landfill Authority (HLA).

CARRIED

At 7.37pm Councillor Webster re-entered the Chamber

16. URGENT OTHER BUSINESS

Nil

17. CONFIDENTIAL ITEMS

17.1.1 2016 Volunteer Awards

MOVED: Councillor Fricker

SECONDED: Councillor Busato

CNC405/15-16

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Council's General Manager, Heather Barclay, Protocol, Compliance & Governance Officer, Deb Bria, Marketing & Communications Manager, Sonia DeNicola, Manager Asset & Infrastructure, Joshua Bowen, Manager Customer Service, Fiona Deckert, Manager Finance, Gary Lewis & Property & Contracts Manager, James Forde be excluded from attendance at the meeting for Agenda Item 17.1.1 2016 Volunteer awards.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the Award Nominees.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information relates to the personal affairs of members of the community.

CARRIED

17.1.1 2016 Volunteer Awards (cont)

Recommendation (Confidential)

At 7.38pm

MOVED: Councillor Webster
SECONDED: Councillor Bishop

CNC406/15-16

That a suspension of standing orders be entered into for a period of 30 minutes to enable further discussion on the matter.

CARRIED

At 8 pm

MOVED: Councillor Webster
SECONDED: Councillor Bishop

CNC407/15-16

That meeting procedures be resumed.

CARRIED

MOVED: Councillor Fricker
SECONDED: Councillor Williams

CNC408/15-16

1. That Council selects three finalists for volunteer of the year being:
 - a) John & Kathy Monks
 - b) Ms Philippa Lamphee
 - c) Jenny Hills
2. Awards the 2016 Volunteer of the Year to Ms Philippa Lamphee
3. Awards the 2016 Young Volunteer of the Year to Joshua Wilson
4. Awards the 2016 Community Event Award to 2015 Centenary ANZAC Day Commemoration Dawn Service.

CARRIED

Recommendation (Confidential)

Pursuant to s.91(7)

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC409/15-16

17.1.1 2016 Volunteer Awards (cont)

That having considered Agenda Item 17.1.1. 2016 Volunteer of the Year awards in confidence under section 90(2) and (3)(a) 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 Agenda Item 17.1.1 be retained in confidence until the recipients have received their awards.

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

MOVED: Councillor Busato
SECONDED: Councillor Williams

CNC410/15-16

That pursuant to Section 90(2) of the *Local Government Act 1999* Council order that the public be excluded, with the exception of the Administration being, the General Manager, Heather Barclay, the Property and Contracts Manager, James Forde, Protocol, Compliance and Governance Officer, Deb Bria, Manager Assets & Infrastructure, Joshua Bowen, Manager Community Services, Fiona Deckert, Manager Finance, Gary Lewis & Marketing & Communications Manager, Sonia DeNicola from being present at the meeting on the basis that the matter contained in this report is information of the nature specified in subsections 90(3)(b) and (d) of the Act being:

(b) information the disclosure of which;

(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and,

(ii) would, on balance, be contrary to the public interest;

(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;

The said information relates to the lease of the INEA YMCA.

CARRIED

17.1.2 INEA YMCA Status Report, May 2016 (cont)

Councillor Williams remained in the room and participated in debate.

MOVED: Councillor Whiting
SECONDED: Councillor Webster

CNC411/15-16

1. That Council receives and notes the YMCA Status Report, May 2016.
2. That Council advise the INEA YMCA that their development proposal for the Smith Street Site and application for a lease extension be held until such time Council has completed its adopted program of work associated with Community Land; and has determined its “framework” for management and intent for its Community Land portfolio.
3. That Administration advises INEA of Councils decision in 2 above.

CARRIED

Councillor Williams voted for the matter

Recommendation (Confidential)

MOVED: Councillor Webster
SECONDED: Councillor Busato

CNC412/15-16

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 report 17.1.2 INEA YMCA Status Report, May 2016 dated 16 May 2016, and any other documentation relative to the report to be retained in confidence. In addition, that the minutes relating to this Agenda Item be kept confidential until this matter has been finalised excepting that the Council authorises the release of relevant documentation and that pursuant to Section 91(9)(c) of the Local Government Act 1999 the Council delegates to the Chief Executive Officer the review and power to 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

17.1.3 George Street Road Closure Update

MOVED: Councillor Fricker
SECONDED: Councillor Whiting

CNC413/15-16

That pursuant to Section 90(2) of the *Local Government Act 1999* Council order that the public be excluded, with the exception of the Administration being the General Manager, Heather Barclay, the Property and Contracts Manager, James Forde, Protocol, Compliance and Governance Officer, Deb Bria, Manager Assets & Infrastructure, Joshua Bowen, Manager Community Service, Fiona Deckert, Manager Finance, Gary Lewis & Marketing & Communications Manager, Sonia DeNicola from being present at the meeting on the basis that the matter contained in this report is information of the nature specified in subsections 90(3)(b) and (d) of the Act being:

(b) information the disclosure of which;

(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and,

(ii) would, on balance, be contrary to the public interest;

(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;

The said information relates to the closure and transfer of George Street.

CARRIED

17.1.3 George Street Road Closure Update (cont)

Recommendation (Confidential)

MOVED: Councillor Busato
SECONDED: Councillor Webster

CNC414/15-16

That Council instruct the Administration to:

1. seek an indemnity from St Andrews School in respect of public liability risk until such time as the gazettal of the closure of the relevant portion of George Street occurs or is otherwise approved by the Minister;
2. take whatever action that may be required to assist the Surveyor General with preparing a recommendation to the Minister;
3. in the event that the gazettal of the closure of the relevant portion of George Street does not occur or is otherwise not approved by the Minister, obtain advice in respect of Council's position and the options available to it in the circumstances; and
4. in the event that the advice referred to in paragraph 3 above is obtained, to provide a further confidential report to Council attaching that advice for its consideration.

CARRIED

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC415/15-16

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 report titled "George Street Road Closure" dated 16 May 2016, and any other documentation relative to the report to be retained in confidence. In addition, that the minutes relating to this Agenda Item be kept confidential until this matter has been finalised excepting that the Council authorises the release of relevant documentation to parties to enact 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 review and power to revoke

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 8.27pm

Presiding Member Signature:.....
Date:.....