



MINUTES

of

COUNCIL MEETING

Pursuant to the provisions of section 84 (1) of the
Local Government Act 1999

held in the

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

on

MONDAY 17 SEPTEMBER 2018 AT 7PM

MINUTES
17 SEPTEMBER 2018

1. ATTENDANCE RECORD

1.1 Present

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

Staff in attendance

Chief Executive Officer, K Magro
Council Secretariat, J Hanna
Group Manager Assets & Infrastructure, J Bowen
Acting Group Manager Customer Experience, M Kwiatkowski
Group Manager Corporate Services, K Bone
Manager Community Development & Engagement, F Deckert
Manager Communications & Marketing, S DeNicola
Acting Manager Planning & Regulatory Services, C Walker
Property & Contracts Officer, K Arthur

1.2 Apologies

1.3 Not Present / Leave of Absence

Moved: Cr Shetliffe
Seconded: Cr Whiting

CNC76/18-19

That Councillor Bishop's request for leave of absence between Wednesday 24 October to Sunday 11 November 2018 (inclusive) be approved.

CARRIED

2. CONFIRMATION OF MINUTES

Moved: Cr Webster
Seconded: Cr Bishop

CNC77/18-19

That the minutes of the Council meeting held on 20 August 2018 be confirmed as a true and accurate record of the proceedings.

CARRIED



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

Councillor Graham-King declared a perceived interest in Item 12.3.2 Walkerville Art Show Sponsorship, as she is a non-active Rotary member. She advised that she will take part in the debate and vote.

Councillor Webster declared a perceived interest in item 16.4 Rebate Discretionary Request as he is known to the resident and is a member of the Strata Committee. He advised that he will remove himself from the Chamber.

The CEO declared a s.120 interest in Item 16.7 as the matter relates to the CEO performance and remuneration review. She advised that she will remove herself from the Chamber.

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

4.1 Mayors Report

Moved: Cr Williams
Seconded: Cr Fricker

CNC78/18-19

That Council receives and notes the Mayoral Diary from 17 August 2018 to 13 September 2018.

CARRIED

4.2 Murray Darling Association Conference

Moved: Cr Shetliffe
Seconded: Cr Bishop

CNC79/18-19

That Council receives and notes the Conference Report of Councillor David Shetliffe as listed as Attachment A to this report.

CARRIED

5. QUESTIONS WITHOUT NOTICE

Nil.

6. QUESTIONS FROM THE GALLERY

Nil.

7. QUESTIONS ON NOTICE



7.1 ERA Water Chair Attendance Request – Cr Graham Webster

1. Now that Council has now received a copy of the letter from the Chair of ERA Water to the Burnside Council advising that all Constituent Councils must contribute \$741,418 for this 2018/19 financial year, can the Mayor invite the Chair of ERA Water to address Council on ERA Water's challenges, and in particular explaining:
 - Will Constituent Councils be asked to increase their current \$12.6m capping in carrying ERA Water's debt?
 - Will Constituent Councils be charged more than the equivalent S A Water price for recycled water?
 - When will ERA Water achieve an operating surplus?
2. Will the CEO advise why Council was not informed of the detail of the above letter at the last Council meeting given that our bottom line will be hit with a considerable additional expense in this financial year?

Mayor Response – Provided in relation to Question 1

Yes Councillor, I can of course invite the Chair of ERA Water to discuss the questions however this would best be done as a motion with direction from Council.

Administration Response – Provided by CEO in relation to Question 2

Council will recall that when the draft budget was being prepared, Administration advised Members that we could expect an increase in the order of approximately \$20,000 for irrigation of Councils parks, gardens and reserves. This 'cost pressure' was also declared and discussed at the Council meeting on 21 May 2018, when Council considered and adopted the ERA Water draft 2018/19 budget and the CEO was specifically asked the question on what the likely increase would be.

Council was also advised that the Constituent Council CEOs were meeting to consider what administrative support they could offer ERA Water in order to curtail the operational costs.

Council was not informed at the meeting held on 20 August 2018 given that Council had already been made aware of the implications on the ERA Water draft budget at its 21 May 2018 meeting.

Separate to this, the \$741,418 figure referenced relates to the Constituent Councils taking 214.7ML – Walkerville's share being 28 ML at an assumed price of \$94,754 based on SA Water price of \$3.384 /kl – however, as late as Friday 7 September, ERA Water Board considered a revised 2018/19 budget, in part as part of BR1, and has subsequently determined that the total estimated volume of recycled water produced in 2018/19 will be 120ML NOT 270ML and hence, it being assumed that the total volume of water to the Constituent Councils will be 120ML NOT 214.7ML – it being noted that for Walkerville, this will now equate to 15.65ML NOT 28ML at a cost of \$52,741 NOT \$94,754, based on the price forecast for SA Water in FY2019 of \$3.37/kl.

This information was formally conveyed to the CEO by ERA Water on 12 September 2018 and appears as agenda item 14.4.8.

7.2 Council Operations – Cr Gianni Busato

Is the CEO aware of any behaviour from Elected Members towards staff that could be considered intimidating, harassing or even interfering in day to day operations of the Council?

Administration Response – Provided by CEO

As you know, I have a reputation for addressing bad behaviour thoroughly and swiftly. I do not shy away from dealing with any issues brought to my attention, irrespective of who is involved.

I have received no formal complaints with respect to Elected Members intimidating, harassing or interfering in the day to day operations of Council. However, anticipating your next question, it would be inappropriate of me, in this public forum, to disclose matters relating to informal complaints that I have dealt with. I'm sure all of Council will agree, that due process must always be followed.

8. PETITIONS

Nil.

9. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

Richard Altman will be attending to discuss Item 16.7 CEO Performance Review.

Peter Psaltis from Norman Waterhouse will be attending to discuss Item 16.2 Walkerville Sports Club Financials.

10. MOTIONS WITHOUT NOTICE

Moved: Cr Webster
Seconded: Cr Graham-King

CNC80/18-19

That the Mayor invite the Chair of ERA Water to address Council on ERA Water's challenges, and in particular explaining:

1. Will Constituent Councils be asked to increase their current \$13m capping in carrying ERA Water's debt?
2. Will Constituent Councils be charged more than the equivalent SA Water price for recycled water?

CARRIED

Moved: Cr Whiting
Seconded: Cr Webster

CNC81/18-19

That Council make contact with John Rolls, the deputy chair of CORENA to

explore whether Council can be involved in encouraging local residents and community groups to install solar PV systems and/or energy efficient measures in their own home.

CARRIED

Moved: Cr Whiting
Seconded: Cr Fricker

CNC82/18-19

That council initiate appropriate measures at the Wallace Street cul-de-sac point prevent the use of the walkway being used as a cut through for motorcycle riders. Solutions could include more bollards and/or a small fence.

CARRIED

11. MOTIONS WITH NOTICE

11.1 Community Meeting – Councillor David Shetliffe

Moved: Cr Shetliffe
Seconded: Cr Graham-King

CNC83/18-19

That administration organise a meeting, as soon as practicable, between a representative sample of residents from James and Frederick Streets, Gilberton, and representatives of the police and Housing SA with a view to allowing the residents to express their concerns about public safety in the area directly to these agencies and to explore ways of mitigating the problems currently encountered. Elected members of Council may also attend.

CARRIED

11.2 Heritage Flag Park – Councillor MaryLou Bishop

Moved: Cr Bishop
Seconded: Cr Fricker

CNC84/18-19

The Council members request the Town of Walkerville administration to cost the feasibility of a Heritage Flag Park, in Thiele Park, comprising of 7 flagpoles and flags. The study is to include initial capital costs of purchasing the poles and flags and installation, and, the ongoing maintenance.

CARRIED

12. REPORTS REQUIRING DECISION OF COUNCIL

12.1 Strategy



Town of Walkerville - Minutes – Ordinary Meeting of Council 17 September 2018.

"PLEASE NOTE: While every attempt has been made to ensure the accuracy of these minutes they are still subject to confirmation at the next meeting of Council and as such cannot be construed as an official record of this meeting pursuant to Section 91(11) of the Local Government Act until endorsed at the next meeting."

12.1.1 Nominations for the LGA President

Moved: Cr Whiting
Seconded: Cr Fricker

CNC85/18-19

That Council having considered the nominations received for the LGA President instructs the Mayor to complete the ballot paper in favour of Mayor Ann Ferguson to be the LGA President on Councils behalf.

CARRIED

12.2 Policy

Nil

12.3 Operational

12.3.1 Freedom of Information Statement 2017-2018

Moved: Cr Whiting
Seconded: Cr Webster

CNC86/18-19

That Council:

1. Adopt the Freedom of Information Statement 2017 - 2018 (Attachment A)
and
2. Authorise administration to make consequential amendments during the coming 12 months as a result of Council decisions.

CARRIED

12.3.2 Walkerville Art Show Sponsorship Agreement Extension for the Rotary Club of Walkerville

Moved: Cr Shetliffe
Seconded: Cr Whiting

CNC87/18-19

That Council approves an extension of the current Walkerville Art Show Sponsorship Agreement with the Rotary Club of Walkerville for this years event being held from 6 October to 13 October 2018.

CARRIED

12.3.3 Community Fund

Moved: Cr Shetliffe
Seconded: Cr Webster

CNC88/18-19

1. That Council allocates the following funds to the Community Fund applicants from the 2018/19 Community Fund budget:
 - a. Kaitlyn Page – \$150
 - b. St Monica’s Catholic Church – \$1000
 - c. Akon Baak - \$150
2. That Administration writes to the applicants for the Community Fund grant and advises them of the Council resolution.
3. That the successful applicants are invited to attend the ordinary meeting of Council to be held on 15 October 2018 to formally receive the funds from His Worship Mayor Grigg at the beginning of the Council Meeting.

CARRIED

12.3.4 Local Government Finance Authority - Nominations for the positions of representative members of the Board of Trustees

Moved: Cr Webster
Seconded: Cr Shetliffe

CNC89/18-19

That Council having considered the nine nominations received for the LGFA representative members of the Board of Trustees, instructs the Mayor to complete the ballot paper on Councils behalf, in favour of Annette Martin and Karen Hockley to be the LGFA Representative of the Board of Trustees.

CARRIED

12.4 Subsidiaries

12.4.1 Highbury Landfill Authority Board Representation

Moved: Cr Webster
Seconded: Cr Fricker

CNC90/18-19

That Council appoints the Group Manager Assets & Infrastructure, Josh Bowen as its Board representative to the Highbury Landfill Authority for a two (2) year term, effective from Tuesday 18 September 2018 and concluding on Friday 18 September 2020.

CARRIED

Cr Graham-King left the room at 7:52pm.

13. IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

**Moved: Cr Fricker
Seconded: Cr Webster**

CNC91/18-19

That agenda items 14.3.1, 14.3.3, 1, 14.3.5, 14.3.6, 14.3.8, 14.3.9, 14.3.10, 14.4.1, 14.4.2, 14.4.3, 14.4.4, 14.4.5, 14.4.6, 14.4.7 and 14.4.8 be moved as per their recommendations.

CARRIED

14. REPORTS PRESENTED FOR INFORMATION

14.1 Strategy

14.1.1 Draft State Public Health Plan 2019-2024

**Moved: Cr Shetliffe
Seconded: Cr Williams**

CNC92/18-19

That Council receive and note the Draft State Public Health Plan 2019-2024 (Attachment A).

CARRIED

14.2 Policy

14.2.1

14.3 Operational

14.3.1 Works Report

**Moved: Cr Fricker
Seconded: Cr Webster**

CNC93/18-19

That Council receives and notes the Works Report for August 2018.

CARRIED

14.3.2 2018/19 CAPEX Project Status Report



Moved: Cr Shetliffe
Seconded: Cr Bishop

CNC94/18-19

That Council receive and note the 2018/19 CAPEX Projects Status Report, September 2018.

CARRIED

14.3.3 Monthly Financial Report

Moved: Cr Fricker
Seconded: Cr Webster

CNC95/18-19

That Council receives and notes the Monthly Financial Report as at 31 August 2018.

CARRIED

14.3.4 Walkerville and Prospect Building Fire Safety Committee Update

Moved: Cr Shetliffe
Seconded: Cr Webster

CNC96/18-19

That Council receive and note the summary of the actions and investigations of the Walkerville and Prospect Building Fire Safety Committee from June 2018 – August 2018.

CARRIED

14.3.5 Cultivate5081

Moved: Cr Fricker
Seconded: Cr Webster

CNC97/18-19

That the report entitled Cultivate5081 be received and noted by the Elected Members.

CARRIED

14.3.6 2017 Annual report of the Adelaide and Mount Lofty Ranges Natural Resources Management Board's NRM Education Program

Moved: Cr Fricker
Seconded: Cr Webster

CNC98/18-19

That Council receives and notes the 2017 Annual Report of the Adelaide and Mount Lofty Ranges Natural Resources Management Board's NRM Education Program.

CARRIED

14.3.7 Murray Darling Association Minutes

Moved: Cr Shetliffe
Seconded: Cr Whiting

CNC99/18-19

That the Council receives and notes the Murray Darling Association Region 7 (Greater Adelaide) Minutes for the meeting held on 23 August 2018.

CARRIED

14.3.8 Murray Darling Association's 2017-18 Annual Report

Moved: Cr Fricker
Seconded: Cr Webster

CNC100/18-19

That the Council receives and notes the Murray Darling Association Annual Report for 2017/18.

CARRIED

14.3.9 Correspondence

Moved: Cr Fricker
Seconded: Cr Webster

CNC101/18-19

That Correspondence marked as Attachment A be noted.

CARRIED

14.3.10 Outstanding Council Resolutions

Moved: Cr Fricker
Seconded: Cr Webster

CNC102/18-19

That Council receives and notes the list of Council resolutions currently being processed as 13 September 2018.

CARRIED

14.4 Subsidiaries

14.4.1 Eastern Health Authority Board Minutes

Moved: Cr Fricker
Seconded: Cr Webster

CNC103/18-19

That Council receives and notes the Eastern Health Authority Board Minutes for the ordinary meeting on 29 August 2018.

CARRIED

14.4.2 Eastern Health Authority 2017-2018 End of Financial Year Environmental Health Report

Moved: Cr Fricker
Seconded: Cr Webster

CNC104/18-19

That Council receives and notes the Eastern Health Authority 2017-18 End of Financial Year Environmental Health Report.

CARRIED

14.4.3 East Waste Board Minutes

Moved: Cr Fricker
Seconded: Cr Webster

CNC105/18-19

That Council receives and notes the East Waste Board Minutes for the meetings convened on 17 August 2018 and 3 September 2018 be received and noted.

CARRIED

14.4.4 Highbury Landfill Authority Minutes

Moved: Cr Fricker
Seconded: Cr Webster

CNC106/18-19

That the Minutes of the Ordinary meeting of the Board of Highbury Landfill Authority dated 20 August 2018 be received and noted.

CARRIED



14.4.5 Highbury Landfill Authority Expression of Interest Future Options

Moved: Cr Fricker
Seconded: Cr Webster

CNC107/18-19

That Council receive and note the advise received from Mr. Trevor Hockley, Executive Officer, Highbury Landfill Authority (HLA), that the HLA Board on Monday 20 August 2018 resolved to commence an Australia wide expression of interest (EOI) process to test the market on Future Options for the HLA.

CARRIED

14.4.6 ERA Water Board Minutes

Moved: Cr Fricker
Seconded: Cr Webster

CNC108/18-19

That Council receives and notes the ERA Water Board Minutes for the meeting convened on 7 September 2018.

CARRIED

14.4.7 ERA Chairman and CEO Report 1 – (January to June 2018)

Moved: Cr Fricker
Seconded: Cr Webster

CNC109/18-19

That Council receive and note the ERA Chairman and CEO Report 1 (January to June 2018) appearing as Attachment A.

CARRIED

14.4.8 ERA Water Revised Budget and Long Term Financial Plan

Moved: Cr Fricker
Seconded: Cr Webster

CNC110/18-19

That Council receive and note the ERA Water revised (updated) budget for 2018/19 along with the revised Long Term Financial Plan (LTFP).

CARRIED

15. URGENT OTHER BUSINESS



16. CONFIDENTIAL ITEM

16.1 Master planning Strategic Sites

Moved: Cr Whiting
Seconded: Cr Fricker

CNC111/18-19

Recommendation (Public)

Pursuant to s90(3)(b)

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, Group Manager Asset & Infrastructure Josh Bowen, Group Manager Planning, Environment & Regulatory Services Mark Kwiatkowski, Group Manager Corporate Services Katy Bone, Property & Contracts Officer Kate Arthur, Manager Marketing & Communications Sonia DeNicola, Manager Community Development & Engagement Fiona Deckert, Acting Manager Planning & Regulatory Services Carly Walker and Council Secretariat Jayde Hanna be excluded from attendance at the meeting for Agenda Item 'Masterplanning Strategic Sites'.

The Council is satisfied that, pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council may propose to conduct business and would therefore prejudice the commercial position of the Council.

In addition, Council has further considered that the information would on balance be contrary to the public interest because the disclosure of Council's commercial position may severely prejudice Council's ability to negotiate an outcome for the benefit of the Council and the community in this matter.

CARRIED

Moved: Cr Shetliffe
Seconded: Cr Whiting

CNC112/18-19

Recommendation (Confidential)

That Council receives and notes the Oryx Property & Ekistics 'confidential – Walkerville Strategic Project – Fuller & Smith Street' report, appearing as Attachment A and in so doing defer the item in order for the incoming Council to consider the report in January 2019.

CARRIED

Moved: Cr Busato
Seconded: Cr Fricker

CNC113/18-19

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item 'Masterplanning Strategic Sites' in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report relevant to this Agenda Item be retained in confidence for a period of 4 years or until the matter has been finalised, excepting that Council authorises the release of the minutes to substantive parties to enable enactment of the resolution and further, 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* and re-admit the public.

CARRIED

8:28 Councillor Whiting left the room

16.2 Walkerville Sports Club Financials

Moved: Cr Whiting
Seconded: Cr Shetliffe

CNC114/18-19

Recommendation (Public)

Pursuant to s90(3)(b)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Council's Chief Executive Officer Kiki Magro, Group Manager Corporate Services Katy Bone, Property and Contracts Officer Kate Arthur, Council Secretariat Jayde Hanna and Peter Psaltis Principal from Norman Waterhouse, are excluded from attendance at the meeting for Agenda Item Walkerville Sports Club Financials.

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 and on balance, be contrary to the public interest.

CARRIED



Moved: Cr Webster
Seconded: Cr Fricker

CNC115/18-19

That standing orders be suspended for a period of 30 minutes to allow for free flowing discussion.

CARRIED

8:32 Councillor Whiting returned to the room

Moved: Cr Busato
Seconded: Cr Whiting

CNC116/18-19

That the standing orders be resumed.

CARRIED

Moved: Cr Whiting
Seconded: Cr Fricker

CNC117/18-19

Recommendation (Confidential)

That Council authorises Administration to:

1. serve notice on the Club to terminate the period tenancy, giving at least 6 months' notice; and
2. set a deadline for the new lease terms and new loan agreement to be agreed, failing which the matter will be brought back to Council for a decision on a "Plan B".

CARRIED

Moved: Cr Fricker
Seconded: Cr Webster

CNC118/18-19

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item Walkerville Sports Club Financials in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and attachments relevant to this Agenda Item be retained in confidence for a period of 12 months or 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 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* and re-admit the public.

CARRIED

16.3 Walkerville Bowling & Community Club Lease Renewal

Moved: Cr Whiting
Seconded: Cr Busato

CNC119/18-19

Recommendation (Public)

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 Council's Chief Executive Officer Kiki Magro, Group Manager Corporate Services Katy Bone, Property and Contracts Officer Kate Arthur and Council Secretariat Jayde Hanna be excluded from attendance at the meeting for Agenda Item Walkerville Bowling & Community Club Lease Renewal.

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: Cr Shetliffe
Seconded: Cr Williams

CNC120/18-19

Recommendation (Confidential)

That the item be deferred for a future Council meeting pending further information.

CARRIED

Moved: Cr Fricker
Seconded: Cr Busato

CNC121/18-19

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item Walkerville Bowling & Community Club Incorporated Lease Renewal 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 & Community Club Incorporated Lease Renewal, 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

9:19pm Councillor Webster left the room

16.4 Rebate Discretionary Request

Moved: Cr Whiting
Seconded: Cr Williams

CNC122/18-19

Recommendation (Public)

That pursuant to Section 90(2) of the Local Government Act 1999 Council order that the public be excluded, with the exception of the Council's Chief Executive Officer, Kiki Magro, Group Manager Corporate Services, Katy Bone and Council Secretariat, Jayde Hanna 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) (a) of the Act being:

“Information the disclosure of which would involve the unreasonable disclosure if information concerning the personal affairs of any person (living or dead)”.

CARRIED

Moved: Cr Bishop
Seconded: Cr Fricker

CNC123/18-19

Recommendation (Confidential)

That the Council accepts Bancroft Custodian Pty Ltd's request for a discretionary rebate for the financial year ending 30 June 2019 for an amount of \$1,163.00.

CARRIED

Moved: Cr Busato
Seconded: Cr Whiting

CNC124/18-19

Recommendation (Public)

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 'BC (Watson Car Park) Discretionary Rebate Request' 26 August 2018 – Attachment A' in relation to this Agenda Item and minutes relating to this Agenda Item be kept confidential until the matter is resolved, excepting that the Council authorises the release of the Council resolution to those parties identified in the substantive resolution relating to this Agenda Item 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

9:20pm Councillor Webster returned to the room

16.5 Waiving of Fees

Moved: Cr Whiting
Seconded: Cr Bishop

CNC125/18-19

Recommendation (Public)

Pursuant to s90(3)(a)

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, Group Manager Corporate Services, Katy Bone and Council Secretariat Jayde Hanna

be excluded from attendance at the meeting for Agenda Item Waiving of fees.

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 Chandrakumar Gamage Don.

CARRIED

Moved: Cr Williams
Seconded: Cr Bishop

CNC126/18-19

Recommendation (Confidential)

That Council, having considered the information presented, both in support of Mr Don's application / request to waive fees associated with late payment of rates and Administrations responses, has determined not to waive the \$508 outstanding late payment fines, interest and legal fees in line with the Rating Policy.

CARRIED

Moved: Cr Fricker
Seconded: Cr Bishop

CNC127/18-19

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item **Waiving of fees** 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 and attachments relevant to this Agenda Item be retained in confidence for a period of 12 months 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 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

9:21PM Councillor Webster Left the Room.

9:22PM Councillor Whiting and Councillor Webster returned the room.



9:22PM Councillor Busato left the room.

16.6 ERA Water BRM Holdich Update

Moved: Cr Shetliffe
Seconded: Cr Bishop

CNC128/18-19

Recommendation (Public)

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, Group Manager Corporate Services Katy Bone and Council Secretariat Jayde Hanna be excluded from attendance at the meeting for Agenda Item 'ERA Water – BRM Holdich Report to City of Burnside – update on recommendations'.

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 and on balance be contrary to the public interest.

CARRIED

9:25 Councillor Busato returned to the room.

Moved: Cr Whiting
Seconded: Cr Webster

CNC129/18-19

Recommendation (Public)

That Council receives and notes the ERA Water – BRM Holdich Report to City of Burnside – update on recommendations report and the information provided by the General Manager ERA Water appearing as Attachment A to this report.

CARRIED

Moved: Cr Busato
Seconded: Cr Fricker

CNC130/18-19

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item 'ERA Water – BRM Holdich Report to City of Burnside – update on recommendations' 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 and attachments relevant to this Agenda Item be retained in confidence for a period of 12 months 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

9:46PM Councillor Whiting left the room

16.7 CEO Performance Review Report

Moved: Cr Fricker

Seconded: Cr Busato

CNC131/18-19

Recommendation (Public)

Pursuant to s90(3)(a)

Pursuant to section 90(2) of the Local Government Act 1999 the CEO Performance Review Committee orders that all members of the public, except the Executive Assistant, Jayde Hanna and Richard Altman Consultant, be excluded from attendance at the meeting for Agenda Item CEO Performance Review Report.

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 the Chief Executive Officer, in that details of her performance review will be discussed, which are sensitive and are details only known to those who have participated in the review process.

The CEO Performance Review Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because as the matter relates to details of the Chief Executive Officer's performance and remuneration.

CARRIED

9:50PM Councillor Whiting returned to the room.

Moved: Cr Whiting

Seconded: Cr Williams



CNC132/18-19

Recommendation (Confidential)

That Council receive and note the CEO Performance Review Report as contained in Attachment A

CARRIED

Moved: Cr Whiting

Seconded: Cr Busato

CNC /18-19

That Council endorse the recommendation from the CEO Performance Review Committee that the remuneration of the CEO be increased by 3% with the increase to be effective from 1 July 2018.

Ammendment

Moved: Cr Webster

Seconded: Cr

CNC /18-19

That Council endorse the recommendation from the CEO Performance Review Committee that the remuneration of the CEO be increased by 2.3% with the increase to be effective from 1 July 2018.

MOTION LOST

Moved: Cr Whiting

Seconded: Cr Busato

CNC133/18-19

That Council endorse the recommendation from the CEO Performance Review Committee that the remuneration of the CEO be increased by 3% with the increase to be effective from 1 July 2018.

CARRIED

Moved: Cr Shetliffe

Seconded: Cr Fricker

CNC134/18-19



Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item 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 and minutes be retained in confidence until the Performance Review process has been completed and that the report marked as Attachment A be retained in confidence for a period of 3 years and That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the Local Government Act 1999 re admit the public.

CARRIED

CLOSURE

The meeting was closed at 10:08am



Town of Walkerville - Minutes – Ordinary Meeting of Council 17 September 2018.

"PLEASE NOTE: While every attempt has been made to ensure the accuracy of these minutes they are still subject to confirmation at the next meeting of Council and as such cannot be construed as an official record of this meeting pursuant to Section 91(11) of the Local Government Act until endorsed at the next meeting."