



MINUTES

of

COUNCIL MEETING

held in the

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

on

TUESDAY 18 APRIL 2017 AT 7.00PM

KIKI MAGRO
CHIEF EXECUTIVE OFFICER

MINUTES
18 April 2017

The Mayor declared the meeting open at 7.00pm

1. ATTENDANCE RECORD

1.1 Present

Mayor R Grigg
Councillor M Bishop
Councillor G Busato
Councillor E Fricker
Councillor D Shetliffe
Councillor G Webster
Councillor D Whiting
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 Finance, G Lewis
Manager Planning & Environment M Kwiatkowski
Property & Contacts Officer, A Down

1.2 Apologies

Councillor M Graham-King

1.3 Not Present / Leave of Absence

Nil

2. CONFIRMATION OF MINUTES

MOVED: Councillor Whiting
SECONDED: Councillor Bishop

CNC359/16-17

That the minutes of the Council meeting held on the 20 March 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

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

3.1 Perceived Conflict

Councillor Bishop informed Members she had a perceived interest in item 16.1.3 Land Management Agreement – 15 Briar Avenue, Medindie as she lives in Briar Avenue

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

4.1 Mayors Report

MOVED: Councillor Webster
SECONDED: Councillor Busato

CNC360/16-17

That Council receives and notes the Mayoral Diary from 17 March 2017 to 12 April 2017.

CARRIED

5. QUESTIONS WITHOUT NOTICE

5.1 On The Run Planning Application - Councillor Busato

Given the development of these types of facilities, there isn't any definitions within the current Planning Act of an integrated service station. What is the merit of amending the Development Plan to include a definition of this land use?

Administration Response – Manager Planning & Environment

In the current Development Plan an integrated service station is not defined. In terms of changing the definition, case law defines it is a new type of development however, the definitions may change with the new planning regulations. At this stage there is no intent to amend the current Development Plan.

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

12.1.1 ERA Water Easement over Shakespeare Reserve

MOVED: Councillor Whiting
SECONDED: Councillor Busato

CNC361/16-17

1. That Council, having considered the report (Attachment A) prepared by ERA Water Acting General Manager / Project Manager in respect to securing an easement over Shakespeare Reserve (City of Campbelltown), supports ERA Water Boards endorsement of Option 2 and is satisfied that a comparable exchange can occur and endorses that exchange of the bore for the easement;
2. That Council authorises its Chief Executive Officer to write to ERA Water and advise of Council's decision.

CARRIED

12.1.2 Local Nuisance and Litter Control Act Report (request to EHA)

MOVED: Councillor Shetliffe
SECONDED: Councillor Fricker

CNC362/16-17

1. That Council receives and notes the Local Nuisance and Litter Control Act (request to EHA) report;
2. That Council requests that the Eastern Health Authority (EHA) consider undertaking the compliance actions on behalf of the Town of Walkerville, and other Constituent Councils, in respect to the following "nuisance" aspects contained in the *Local Nuisance and Litter Control Act 2015*:
 - a) noise;
 - b) odour (and other airborne "nuisance");
 - c) dust;
 - d) smoke (except where it relates to the operations of the Fire Prevention Officers); and
 - e) any other specific aspect that the Administration believes would be better managed by the EHA.
3. That EHA provides Council with an indication of the costs associated with undertaking the "nuisance" aspects contained in the *Local Nuisance and Litter Control Act 2016*, and once received a further report be provided to constituent Councils on the cost implications, prior to making a decision to proceed in terms of the proposal;
4. That the Council note that the additional compliance role for EHA under the *Local Nuisance and Litter Control Act 2016* would be subject to amendments to the '*Eastern Health Authority Charter 2016*';
5. That Council note that any additional compliance role for EHA under the *Local Nuisance and Litter Control Act 2016*, would be at a further cost to Council and if progressed, the 2017/18 budget would need to be adjusted accordingly.

CARRIED

12.2 Policy

12.2.1 Residential Parking Permit Policy – Revision April 2017

MOVED: Councillor Webster

SECONDED: Councillor Bishop

CNC363/16-17

That Council endorses the proposed revisions to the Town of Walkerville Residential Parking Permit Policy (October 2016), as follows;

1. Conditions for issue of Permits

Replace:	<ul style="list-style-type: none">Permits must be displayed on the lower left hand side (passenger side) of the windscreen or the front dashboard;
Replacement Text	<ul style="list-style-type: none">Fixed Residential Parking Permits must be displayed on the lower left hand side (passenger side) of the windscreen or placed on the front dashboard;Transferable Residential Parking Permits must be placed either on the front dashboard or hooked onto the rear vision mirror

2. Fees

Additional Text:	Replacement Permits for lost or destroyed Fixed or Transferable Permits; a) Will be free of charge for the first replacement Permit, and; b) Will be \$25.00 per Permit for any Permit replaced beyond any first replacement Permit (as described in a, above).
------------------	---

CARRIED

12.2.2 Proposed Change to Voting Method in Local Government Elections

MOVED: Councillor Fricker

SECONDED: Councillor Williams

CNC364/16-17

That Council informs the Local Government Association of SA (LGA) that Council is unable to make an informed decision on this matter until a discussion paper has been provided by the Electoral Commission of South Australia (ECSA) or the LGA and in the interim supports retaining the current voting system for the 2018 Local Government Elections.

CARRIED

12.2.3 Candidates Elected Unopposed

MOVED: Councillor Webster

SECONDED: Councillor Bishop

CNC365/16-17

That Council, having considered the LGA proposal to amend the Local Government (Elections) Act that would require the Electoral Commission to provide information by mail about candidates who have been elected unopposed, instructs administration to write to the LGA advising that it:

1. supports Option 2 & 3 as they are cost effective and will have minimal impact on processes currently in place;
2. opposes Option 1 & 4 as costs associated with the proposals may outweigh any benefit to the community.

CARRIED

12.3 Operational

12.3.1 2016/17 CAPEX Projects Status Report - April 2017

MOVED: Councillor Busato

SECONDED: Councillor Webster

CNC366/16-17

1. That Council receive and note the 2016/17 CAPEX Projects Program Status Report.
2. That Council allocate \$12,000 savings within the CAPEX Program, to renewal of the Gas Service at 39 Smith Street, Walkerville (YMCA Site).

CARRIED

12.3.2 Delegation Review

MOVED: Councillor Busato

SECONDED: Councillor Whiting

CNC367/16-17

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. **Revocations**

- 1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the

- Freedom of Information Act 1991
- the Development Act 1993 and Development Regulations 2008.

2. **Delegations made under Local Government Act 1999**

2.1 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 Attachments A are hereby delegated this 18 Day of April 2017 to the person occupying the office 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.

2.1.1 Freedom of Information Act 1991 (Attachment A)

3. Delegations made under Development Act 1993

3.1 In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 18 April 2017 and entitled Delegations Review and marked Attachment B) (distributed under separate cover) are hereby delegated this 18 Day of April 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegations.

CARRIED

12.3.3 Elector Representation Review

MOVED: Councillor Busato
SECONDED: Councillor Williams

CNC368/16-17

That Council endorse the Representation Review Report prepared by CL Rowe & Associates, marked as Attachment A, for the second round of public consultation with an amendment to remove the last sentence on the last paragraph on page 12 of the report and on page 2 the first sentence to be amended to 8 area Councillors in lieu of 10.

CARRIED

12.3.4 ERA Joint Planning Arrangements Pilot Project Proposal

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC369/16-17

1. That Council receives and notes the ERA Joint Planning Arrangements Pilot Project Proposal report.
2. That Council endorses the commencement of a process whereby the City of Prospect will submit an expression of interest, on behalf of the Eastern Region Alliance Councils, to participate in the Joint Planning Arrangements Pilot Project by the Department of Planning, Transport and Infrastructure.

3. That Council expresses support for the Eastern Region Alliance committing funding to the Joint Planning Arrangement Pilot Project drawn from membership fees, with in-kind support to be provided by Council Administration/s.

CARRIED

12.3.5 Update on Community Consultation for the Movement Management Plan

MOVED: Councillor Webster
SECONDED: Councillor Whiting

CNC370/16-17

That Council receives and notes the SPDPC's contributions (Attachment A) to the outcomes of the Stage 1 consultation report by AECOM for the review of the Movement Management Plan, and supports the comments be provided to AECOM towards the development of the revised and draft Town of Walkerville Traffic Plan (A Movement Management Plan) currently being prepared for Councils consideration and a further round of consultation in June 2017.

CARRIED

12.3.6 East Waste Draft Budget and Annual Business Plan 2017/18

MOVED: Councillor Fricker
SECONDED: Councillor Whiting

CNC371/16-17

1. That Council endorses the 2017/18 East Waste Draft Budget and Annual Business Plan.
2. That administration write to East Waste advising of Council's decision.

CARRIED

12.3.7 Eastern Health Authority Budget Review 2

MOVED: Councillor Williams
SECONDED: Councillor Fricker

CNC372/16-17

That Council:

1. endorses the Eastern Health Authority's Budget Review 2 for the FY 2016-17;
2. notes the impact on Council's share in the operating result for the FY 2016-17;
3. instructs administration to write to Eastern Health Authority advising of Council's decision.

CARRIED

12.3.8 Eastern Health Authority Draft Budget and Annual Business Plan 2017/18

MOVED: Councillor Shetliffe
SECONDED: Councillor Bishop

CNC373/16-17

1. That Council endorses the 2017/18 Eastern Health Authority Draft Budget and Annual Business Plan.
2. That administration write to Eastern Health Authority advising of Council's decision.

CARRIED

12.3.9 ERA Water Budget Review 2016/17

MOVED: Councillor Whiting
SECONDED: Councillor Williams

CNC374/16-17

That Council:

1. endorses the ERA Water Budget Review for the financial year (FY) 2016-17;
2. notes the impact on Council's share in the operating result for the FY 2016-17;
3. instructs administration to write to ERA Water advising of Council's decision.

CARRIED

12.3.10 ERA Water 2017/18 Budget and Long Term Financial Plan

At 8.04pm Councillor Whiting left the Chamber

MOVED: Councillor Fricker
SECONDED: Councillor Busato

CNC375/16-17

That Council:

1. endorses the ERA Water Budget for the financial year 2017-18 as presented and appearing as Attachment A;
2. endorses the Long Term Financial Plan as presented and appearing as Attachment B;
3. notes the expected impact on Council's share in the operating result of both;
4. instructs administration to write to ERA Water advising of Council's decision.

CARRIED

12.3.11 Strategic Planning & Development Policy Committee – Work Program

At 8.09pm Councillor Whiting re entered the Chamber

MOVED: Councillor Shetliffe
SECONDED: Councillor Webster

CNC376/16-17

1. That Council receives and notes the report titled '*Strategic Planning & Development Policy Committee – Work Program March 2017*'.
2. That Council authorises all matters relating to the Town of Walkerville Open Space Program be referred to the Strategic Planning & Development Policy Committee (SPDPC) for their consideration and recommendation to Council, and such items are included in the committee's future work program.
3. That Council authorises matters relating to the Governments Planning Reform Agenda be referred to the Strategic Planning & Development Policy Committee (SPDPC) for their consideration and recommendation to Council, and such items are included in the committee's future work program – excepting for items that are "information only" and matters that timeliness may be compromised, by not being directed to Council in the first instance.

CARRIED

13. IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

MOVED: Councillor Webster

SECONDED: Councillor Williams

CNC377/16-17

That items 14.2.1, 14.3.2, 14.3.3, 14.3.4, 14.3.6, 14.3.9, & 14.3.7 be moved as per their recommendations.

CARRIED

14. REPORTS PRESENTED FOR INFORMATION

14.1 Strategy

14.1.1 River Torrens Linear Park Integrated Strategic Asset Management Plan

MOVED: Councillor Busato

SECONDED: Councillor Fricker

CNC378/16-17

That Council receive and note the report titled River Torrens Linear Park Strategic Integrated Asset Management Plan.

CARRIED

14.2 Policy

14.2.1 Planning, Development and Infrastructure (PDI) Act 2017 Update

MOVED: Councillor Williams

SECONDED: Councillor Webster

CNC379/16-17

That the Council receive and note the update in relation to the Planning, Development and Infrastructure (PDI) Act 2017.

CARRIED

14.2.2 Council contributions to the SA Planning Portal

MOVED: Councillor Shetliffe
SECONDED: Councillor Busato

CNC380/16-17

That the Council receive and note the report in relation to the SA Planning Portal and future Council contributions to the Planning Portal.

CARRIED

14.3 Operational

14.3.1 Monthly Financial Report

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC381/16-17

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

CARRIED

14.3.2 Local Government Association of SA (LGA) 2017/18 State Budget Submission

MOVED: Councillor Williams
SECONDED: Councillor Webster

CNC382/16-17

That Council receives and notes the report on the Local Government Association of SA (LGA) 2017/18 State Budget Submission.

CARRIED

14.3.3 Customer Experience Service Report

MOVED: Councillor Williams
SECONDED: Councillor Webster

CNC383/16-17

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

CARRIED

14.3.4 Works Report March 2017

MOVED: Councillor Williams
SECONDED: Councillor Webster

CNC384/16-17

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

CARRIED

14.3.5 ERA Water Superintendents Report

MOVED: Councillor Webster

SECONDED: Councillor Williams

CNC385/16-17

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

CARRIED

14.3.6 Women of Walkerville Committee Minutes – April 2017

MOVED: Councillor Williams

SECONDED: Councillor Webster

CNC386/16-17

That Council receive and note the minutes of the Women of Walkerville Committee meeting held on 3 April 2017.

CARRIED

14.3.7 Strategic Planning & Development Policy Committee (SPDPC) Minutes – March 2017

MOVED: Councillor Williams

SECONDED: Councillor Webster

CNC387/16-17

That Council receive and note the minutes of the Strategic Planning & Development Policy Committee meeting held on 21 March 2017.

CARRIED

14.3.8 ERA Water Board Minutes

MOVED: Councillor Webster

SECONDED: Councillor Busato

CNC388/16-17

That Council receives and notes the ERA Water Board Minutes for the meetings convened on 21 & 29 March 2017.

CARRIED

14.3.9 East Waste Management Authority Tonnage Rates

MOVED: Councillor Williams

SECONDED: Councillor Webster

CNC389/16-17

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 February 2017 be received and noted.

CARRIED

14.3.10 Outstanding Council Resolutions / Action Report

MOVED: Councillor Webster
SECONDED: Councillor Busato

CNC390/16-17

That Council receives and notes the list of Council resolutions currently being processed as at 18 April 2017.

CARRIED

15. URGENT OTHER BUSINESS

Nil

16. CONFIDENTIAL ITEM

16.1.1 2017 Volunteer Awards

MOVED: Councillor Whiting
SECONDED: Councillor Fricker

CNC391/16-17

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, General Manager Heather Barclay, Manager Community Development & Engagement, Fiona Deckert, Protocol, Compliance and Governance Officer, Deb Bria, Property & Contracts Officer, Allison Down, Manager Assets & Infrastructure, Joshua Bowen, Manager Customer Experience, Linda Allery and Manager Finance, Gary Lewis be excluded from attendance at the meeting for 2017 Volunteer Awards 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 any person (living or dead), because it provides personal information of members of the community.

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

16.1.1 2017 Volunteer Awards (cont)

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC392/16-17

That the late applications for young volunteer of the year be accepted.

CARRIED

MOVED: Councillor Whiting
SECONDED: Councillor Busato

CNC393/16-17

That Council awards the:

- the 2017 Volunteer of the Year to Rena Pascoe
- Young Volunteer to Renee Biele
- Community Event to Gilberton Amateur Swimming Club

And

- Mayors Choice to John & Cathy Monks

CARRIED

16.1.1 2017 Volunteer Awards (cont)

Recommendation (Confidential)

MOVED: Councillor Whiting

SECONDED: Councillor Busato

CNC394/16-17

Pursuant to s.91(7)

That having considered the 2017 Volunteer 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 this Item be retained in confidence until the recipients have been notified and / or received their awards.

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

16.1.2 Walkerville Sports Club – Financial Matters

MOVED: Councillor Whiting
SECONDED: Councillor Fricker

CNC395/16-17

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, the General Manager, Heather Barclay, the Property & Contracts Officer, Allison Down, Compliance & Governance Officer Deb Bria, Manager Assets & Infrastructure, Joshua Bowen, Manager Finance, Gary Lewis and Manager Customer Experience, Linda Allery be excluded from attendance at the meeting for the item pertaining to Walkerville Sports Club – Financial Matters.

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 and that would, on balance, be contrary to the public interest.

In addition, Council has further considered that the information would on balance be contrary to the public interest because information relating to actual litigation, or litigation that the council believes on reasonable grounds may take place, involving the council.

CARRIED

16.1.2 Walkerville Sports Club – Financial Matters (cont)

Recommendation (Confidential)

MOVED: Councillor Busato

SECONDED: Councillor Fricker

CNC396/16-17

That Council:

1. reaffirms its decision of 21 November 2016 regarding the request for financial assistance (*CNC215/16-17*) from the Walkerville Sports Club.
2. directs the Administration to write to Walkerville Sports Club advising that the previous decision of Council remains in force and to encourage the Club to seek advice from appropriately qualified person(s) or agency regarding its claim, should it intend to progress with the claim presented in 2016.

CARRIED

16.1.2 Walkerville Sports Club – Financial Matters (cont)

MOVED: Councillor Fricker
SECONDED: Councillor Whiting

CNC397/16-17

Pursuant to s.91(7)

That having considered the item pertaining to Walkerville Sports Club – Financial Matters 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 entitled “Walkerville Sports Club – Financial Matters” relevant to this Agenda Item be retained in confidence until such time as the subject matter of the report has been resolved (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 Land Management Agreement 15 Briar Avenue, Medindie

MOVED: Councillor Whiting
SECONDED: Councillor Fricker

CNC398/16-17

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, General Manager, Heather Barclay, Property and Contract Officer, Allison Down, Protocol, Compliance, Governance Officer, Deb Bria, Manager Assets & Infrastructure, Joshua Bowen, Manager Finance, Gary Lewis and Manager Customer Experience, Linda Allery 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:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person(living or dead);

The said information relates to an existing Land Management Agreement between the Town of Walkerville and the registered proprietors of 15 Briar Avenue, Medindie.

CARRIED

16.1.3 Land Management Agreement 15 Briar Avenue, Medindie (cont)

Recommendation (Confidential)

MOVED: Councillor Fricker
SECONDED: Councillor Whiting

CNC399/16-17

That Council receives and notes the report on the Land Management Agreement for 15 Briar Avenue, Medindie.

CARRIED

16.1.3 Land Management Agreement 15 Briar Avenue, Medindie (cont)

MOVED: Councillor Busato
SECONDED: Councillor Williams

CNC400/16-17

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 report titled "Land Management Agreement, 15 Briar Avenue, Medindie" dated 18 April 2017 and any other documentation relative to the report be retained in confidence until this matter has been finalised excepting that the Council authorises the release of the minutes and relevant documentation to parties to enact the resolution and that this order be reviewed every 12 months by the Chief Executive Officer; 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 Howie Reserve – Road Closure Update (cont)

MOVED: Councillor Whiting
SECONDED: Councillor Fricker

CNC401/16-17

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 Council's Chief Executive Officer, Kiki Magro, General Manager, Heather Barclay, Property and Contract Officer, Allison Down, Protocol, Compliance & Governance Officer, Deb Bria, Manager Assets & Infrastructure, Joshua Bowen, Manager Finance, Gary Lewis and Manager Customer Experience, Linda Allery be excluded from attendance at the meeting for the report on Howie Reserve – Road Closure Update.

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 be 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

MOVED: Councillor Whiting
SECONDED: Councillor Busato

CNC402/16-17

That the Howie Reserve – Road Closure Update report, 18 April 2017, be received and noted.

CARRIED

MOVED: Councillor Whiting
SECONDED: Councillor Fricker

CNC403/16-17

Pursuant to s.91(7)

That having considered the Agenda Item, Howie Reserve – Road Closure Update 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 entitled Howie Reserve – Road Closure Update Report, 18 April 2017 relevant to this Agenda Item be retained in confidence (excepting that Council authorises the release of the resolution / minutes) until the matters are resolved 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

16.1.5 ERA Water Financial Report

MOVED: Councillor Fricker
SECONDED: Councillor Busato

CNC404/16-17

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. Protocol Compliance and Governance, Officer Deb Bria Manager Assets & Infrastructure, Joshua Bowen & Manager Customer Experience, Linda Allery 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

MOVED: Councillor Whiting
SECONDED: Councillor Webster

CNC405/16-17

That the ERA Water Financial Report as at 14 March 2017 be received and noted.

CARRIED

MOVED: Councillor Busato
SECONDED: Councillor Webster

CNC406/16-17

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 9.22pm