



MINUTES

of

SPECIAL COUNCIL MEETING

held in the

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

on

TUESDAY 27 SEPTEMBER 2016 AT 5.30PM

KIKI MAGRO
CHIEF EXECUTIVE OFFICER

MINUTES
27 September 2016

The Mayor declared the meeting open at 5.34pm

1. ATTENDANCE RECORD

1.1 Present

Mayor R Grigg
Councillor M Bishop
Councillor G Busato
Councillor E Fricker
Councillor M Graham-King – arrived 5.41pm
Councillor D Shetliffe
Councillor G Webster
Councillor J Williams – arrived 5.37pm

Chief Executive Officer, K Magro
General Manager, H Barclay
Manager Property & Contracts, J Forde
Protocol, Compliance & Governance Officer, D Bria

1.2 Apologies

Nil

1.3 Not Present / Leave of Absence

Leave of Absence

Councillor Whiting – Approved 19 September 2016

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

The Chief Executive Officer declared an interest in item 3.1.1 CEO Performance Review 1 July 2015 – 30 June 2016 as the matter relates to her position.

3. REPORTS REQUIRING DECISION OF COUNCIL

MOVED: Councillor Webster

SECONDED: Councillor Bishop

CNC122/16-17

That the meeting conclude no later than 8.30pm.

CARRIED

3.1 CONFIDENTIAL ITEM

3.1.1 CEO Performance Review 1 July 2015 – 30 June 2016

MOVED: Councillor Webster

SECONDED: Councillor Fricker

CNC123/16-17

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 Council's Protocol, Compliance & Governance Officer, Deb Bria and Council's Consultant, Richard Altman be excluded from attendance at the meeting for Agenda Item 3.1.1 CEO Performance Review 1 July 2015 - 30 June 2016.

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 3.1.1 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 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 as the matter relates to details of the Chief Executive Officer's performance.

CARRIED

3.1.1 CEO Performance Review 1 July 2015 – 30 June 2016 (cont)

Recommendation (Confidential)

MOVED: Councillor Fricker
SECONDED: Councillor Graham-King

CNC124/16-17

That CEO Performance Review Report and recommendations contained in the report (Attachment A) for 2016 be adopted and endorsed by Council.

CARRIED

MOVED: Councillor Shetliffe
SECONDED: Councillor Busato

CNC125/16-17

That the CEO's remuneration be increased by 2% to be effective from 1 July 2016.

CARRIED

Recommendation (Confidential)

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC126/16-17

Pursuant to s.91(7)

That having considered Agenda Item 3.1.1 CEO Performance Review 1 July 2015 – 30 June 2016 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 2 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

3.1.2 Community Land Management Plans and Leases and License Review Report 27
September 2016

MOVED: Councillor Busato
SECONDED: Councillor Fricker

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 Chief Executive Officer, Kiki Magro, the General Manager, Heather Barclay, the Property and Contracts Manager, James Forde and the Protocol, Compliance, Governance Officer, Deb Bria, and James McEwen and Isabella Dunning of Wallmans Lawyers 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),(d) and (h) 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;

(h) legal advice;

The said information relates to the Councils Leases and Licences.

Amendment

MOVED: Councillor Webster
SECONDED: Councillor Graham-King

That this item should not be held in camera that it should be in the public domain as it does not meet with subsection 93 (d)(e)(h).

Amendment lost

Upon the Amendment being lost the Mayor put the original motion and upon being put was

CARRIED

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC127/16-17

That pursuant to Section 90(2) of the Local Government Act 1999 Council order that the public be excluded, with the exception of the Administration being the Chief Executive

Officer, Kiki Magro, the General Manager, Heather Barclay, the Property and Contracts Manager, James Forde and the Protocol, Compliance & Governance Officer, Deb Bria, and James McEwen and Isabella Dunning of Wallmans Lawyers 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),(d) and (h) 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;

(h) legal advice;

The said information relates to the Councils Leases and Licences.

CARRIED

3.1.2 Community Land Management Plans and Leases and License Review Report 27 September 2016 (cont)

Recommendation (Confidential)

MOVED: Councillor Williams
SECONDED: Councillor Busato

CNC128/16-17

That a suspension of standing orders be entered into for a period of no more than 2 hours to enable further discussion on the matter.

CARRIED

Councillor Fricker left the Chamber at 7.17pm

At 7.54pm

MOVED: Councillor Busato
SECONDED: Councillor Webster

CNC129/16-17

That standing orders be resumed.

CARRIED

MOVED: Councillor Busato
SECONDED: Councillor Webster

CNC130/16-17

1. That Council receives and notes the Community Land Management Plans and Leases and Licences Review Report, 27 September 2016.

CARRIED

MOVED: Councillor Shetliffe
SECONDED: Councillor Busato

CNC131/16-17

2. That Council adopts "in principle" the Draft Community Land Management Plans (Attachment A), and authorises Administration to seek community feedback on same for a period of not less than one month, with consultation including directly sending the draft CLMP's to all existing lessee's of Council land and property with the following global amendments;

- Remove acknowledgement notes
- Amend the references in legislative framework to "Council is committed to considering opportunities and improvements to the land and its facilities where possible."

CARRIED

MOVED: Councillor Busato
SECONDED: Councillor Shetliffe

CNC132/16-17

3. That Council receives and notes the legislative & policy framework for community and other land / property holdings (Attachment B).

CARRIED

MOVED: Councillor Busato
SECONDED: Councillor Shetliffe

CNC133/16-17

4. That Council receives and notes the *land and property portfolio strategic directions document (confidential draft)* (Attachment C).

CARRIED

MOVED: Councillor Webster
SECONDED: Councillor Busato

CNC134/16-17

5. That Council makes the following decisions in relation to the *land and property portfolio strategic directions document (confidential draft)* (Attachment C);
 - a) Council adopts Option c), of Attachment C for Walkerville Oval (lawn bowls area), 24 Smith Street, Walkerville.

CARRIED

MOVED: Councillor Busato
SECONDED: Councillor Shetliffe

CNC135/16-17

- b) That Administration provide a further report on a preliminary scope for a discussion paper concerning investigating future opportunities for Smith Street and Fuller Street.

CARRIED

At 8.15pm a division was requested by Councillor Webster.

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

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

Those against the motion: Councillors Webster & Graham-King

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

MOVED: Councillor Busato

SECONDED: Councillor Shetliffe

CNC136/16-17

- c) Council adopts Option a), of Attachment C for Walkerville Oval, 24 Smith Street, Walkerville.

CARRIED

MOVED: Councillor Shetliffe

SECONDED: Councillor Webster

CNC137/16-17

- d) Council adopts Option a), of Attachment C for Creswell Reserve Sports and Recreation.

CARRIED

MOVED: Councillor Shetliffe

SECONDED: Councillor Bishop

CNC138/16-17

- e) Council adopts Option a), of Attachment C for Levi Park, 1A Harris Street, Vale Park.

CARRIED

MOVED: Councillor Shetliffe

SECONDED: Councillor Williams

CNC139/16-17

- f) Council adopts Option a), of Attachment C for Walkerville Oval 13 Alfred Street, Walkerville.

CARRIED

MOVED: Councillor Shetliffe

SECONDED: Councillor Bishop

CNC140/16-17

- g) Council adopts Option a), of Attachment C for Levi Oval, 1A Harris Street, Vale Park and; directs the Administration to commence work on development of the options (above), concurrently with the finalisation of the Councils revised CLMP's.

CARRIED

MOVED: Councillor Shetliffe

SECONDED: Councillor Graham-King

CNC141/16-17

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 “Community Land Management Plans and Leases and Licences Review Report, 27 September 2016” and Minutes dated 27 September 2016, and any other documentation relative to the report be retained in confidence, except Attachment A, B and D and the Minute No.’s 1, 2 and 3, until this matter has been finalised excepting that the Council authorises the release of relevant documentation to parties to enact the resolution and that 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

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

6. Closure

The meeting closed at 8.22pm

Presiding Member Signature:.....

Date:.....

