



MINUTES

of

COUNCIL MEETING

held in

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

on

MONDAY 17 AUGUST 2015 AT 7.00PM

**KIKI MAGRO
CHIEF EXECUTIVE OFFICER**

MINUTES
17 August 2015

The Mayor declared the meeting open at 7.00pm

1. ATTENDANCE RECORD

1.1 Present

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

Chief Executive Officer, K Magro
General Manager, H Barclay
Protocol Compliance & Governance Officer, D Bria
Acting Manager Finance, V Izzo
Manager Community Service, F Deckert
Manager Planning & Regulatory Services, B Willmott
Marketing & Communications Manager, S DeNicola
Asset and Infrastructure Manager, J Bowen

1.2 Apologies

Councillor D Whiting

1.3 Not Present / Leave of Absence

Nil

2. CONFIRMATION OF MINUTES

MOVED: Councillor Shetliffe

SECONDED: Councillor Fricker

CNC50/15-16

That the minutes of the Council meeting held on the 20 July 2015 be confirmed as a true and accurate record of the proceedings.

CARRIED

3. DECLARATIONS OF INTEREST

Councillor Williams informed members he had an interest in agenda item 16.1.1 INEA YMCA as he owns an adjoining property to the INEA YMCA.

Councillor Fricker informed members she had an interest in agenda item 13.3.4 Traffic and

Parking around Wilderness School as her daughters attend the school.

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

4.1 Mayors Report

MOVED: Councillor Webster

SECONDED: Councillor Williams

CNC51/15-16

That the Mayors report as amended be received and noted.

CARRIED

5. QUESTIONS WITHOUT NOTICE

5.1 Conflict of Interest – Legal Advice – Councillor Graham-King

Can the CEO obtain legal advice for Elected Members in respect to their roles being actively involved with the Town Centre DPA bearing in mind some of Elected Members own property within the Town Centre Area.

Administration Response - Chief Executive Officer

Yes I can, but given I am being asked to do something that requires the expenditure of funds, I would suggest that the Councillor move a motion without notice.

6. QUESTIONS FROM THE GALLERY

Nil

7. QUESTIONS ON NOTICE

7.1 Development Complaint Process – Councillor Busato

7.1 What process does Council staff follow when a complaint is received from a resident concerning development that has been approved? This would include complaints made during construction and after construction and may involve construction that is not in accordance with approved plans.

Administration Response – Manager Planning & Regulatory Services

Customer Service procedures are followed in relation to taking and recording of customer requests.

If a complaint is received regarding development that is under construction or completed the following steps are taken:

1. Details of the complaint are obtained.
2. If the complaint is outside Councils legislated responsibility they are directed to the appropriate authority (i.e. issues such as fencing, location of boundaries, civil issues or noise / dust complaint).

3. Records are checked to determine whether there is an application relating to the complaint/ issue.
4. A Customer Request is forwarded to the planning officer or building officer as appropriate.
5. The planning officer or building officer completes an inspection referencing the application/approval documentation.
6. Depending on the type of breach the officer follows up with the builder, applicant or owner. The manner in which this is directed to the builder, applicant or owner depends on the type of issue. Officers generally give the opportunity to rectify in the issue in the first instance; an enforcement notice is generally a last resort.

Officers are guided by Council's Enforcement Policy, the Manager Planning and Regulatory Services and the legislative process.

7. Customer Request system is updated with the officers' actions and closed if complete.
8. The officer will contact the complainant (if requested) and explain the actions, issues or outcomes.

7.2 Town Centre DPA – Councillor Webster

At what formal meeting and date was the Town Centre DPA endorsed by Council as suitable for public consultation?

If it wasn't, under what delegated authority has this occurred?

Administration Response – Chief Executive Officer

- 20 August 2012, Council resolved to release the Strategic Directions Report for public consultation (Cr Wigg / Cr Adams)
- 19 November 2012, Council received and noted the public submissions in relation to the Strategic Directions Report and their unanimous objection to development greater than 3 storey along the Nth East Rd corridor and concerns relating to rezoning to mixed use within the residential zone (Wilkins / Reade)
- 17 December 2012, Council endorsed the Strategic Directions Report (Busato / Wigg)
- 27 May 2013, Council endorsed the strategic work plan which set out the Town Centre DPA process, including Statement of Intent
- 24 June 2013, Council endorsed the Statement of Intent and submitting it to the Minister (Wigg / Williams)
- 16 September 2013, Council endorsed an amended Statement of Intent to be submitted to the Minister, based on feedback from DPTI. (Wilkins / Busato)

- 31 October 2013, Minister for Planning agreed to the Statement of Intent
- 23 June 2014, SPDPC (strategic planning & development policy committee) considered the draft Town Centre DPA under confidence and recommended to Council that the Town Centre DPA be subject of a workshop and that the Statement of Intent be amended to reflect that the consultation period will commence in February 2015 (Adams / Wigg)
- 21 July 2014, Council resolved that the draft Town Centre DPA be the subject of a Council workshop and authorised the CEO to advise the Minister that the consultation period will commence in February 2015 (Whiting / Wigg)
- 30 July 2014, Administration wrote to the Minister Planning advising that the consultation period will commence in February 2015 as per Council resolution.
- 18 August 2014, draft Town Centre DPA was listed in the outstanding Council resolutions (follow on from 21 July 2014 meeting). No actions or progress was listed.
- 24 November 2014, draft Town Centre DPA was listed in the outstanding Council resolutions (follow on from 21 July 2014 meeting). Council was advised that the matter would be held over pending the General Elections.
- 15 December 2014, draft Town Centre DPA was listed in the outstanding Council resolutions (follow on from 21 July 2014 meeting). Council was advised that the matter would be held over pending the General Elections.
- 19 January 2015, draft Town Centre DPA was listed in the outstanding Council resolutions (follow on from 21 July 2014 meeting). Council was advised that the workshop would be set for mid to late February 2015.
- 12 February 2015, Council workshop on draft Town Centre DPA was held, with planning consultants URPS. Next stages (public consultation process) were explained. There were no amendments requested or made to the draft DPA.
- 16 February 2015, draft Town Centre DPA was listed in the outstanding Council resolutions (follow on from 21 July 2014). Council was advised that the workshop was held on 12 February
- 16 March 2015, draft Town Centre DPA was listed in the outstanding Council resolutions (follow on from 21 July meeting). Council was advised that the workshop was held and explained the draft DPA and ensured elected members were comfortable to proceed with public consultation. They were also informed that DAP members did not want to participate as they assess development against Councils Development Plan not formulate its content. Further that the consultation version of the DPA was being prepared and DPTI were happy with the consultation to begin in the coming weeks. No changes were requested or made to the draft DPA as a result of the workshop.

- 26 June 2015, CEO wrote to the Minister for Planning advising that the draft DPA had been released for concurrent public and agency consultation
- 29 June 2015, public and agency consultation on draft DPA commenced (ends 24 August 2015) not withstanding that continue to accept up until 24 September in regard to Heritage items
- The draft Town Centre DPA is still out for Public Consultation and has no status until Council and / or the Minister so determines. Council will receive a further report from Administration after the consultation period has concluded for their consideration.
- The draft Town Centre DPA was formulated as a result of the Strategic Directions Report and the Statement of Intent. Both documents were endorsed by Council after public consultation. The Statement of Intent is an agreement that Council has with the Minister regarding a range of issues the development plan amendment will address and includes the agreed timeframe to undertake the DPA process, suffice to say that the consultation period was not delivered in February 2015 as resolved, given in part to the timing of the workshop and the need to prepare the consultation version of the draft DPA

7.3 YMCA Site – Councillor Webster

Who decided to raise the proposal of selling the YMCA site for redevelopment through the Strategic Directions Report process?

Administration Response – Chief Executive Officer

No proposal to sell the YMCA site for redevelopment is mentioned in the Strategic Directions Report or the Statement of Intent. Rather, the Strategic Directions Report and the Statement of Intent state that the Town Centre DPA will review the use and zoning of the YMCA and Council works depot sites to investigate opportunities to encourage highest and best use, which may be achieved by creating a precinct for this site with precinct specific Development Plan Policies.

Has the CEO had any discussions with a potential developer over the YMCA site?

Administration Response – Chief Executive Officer

No. I have consistently made the statement that whilst I am the CEO of the Town of Walkerville I would not be putting up a recommendation to Council to sell any of its Assets.

8. PETITIONS

Nil

9. PRESENTATIONS

Nil

10. MOTIONS WITHOUT NOTICE

10.1 Walkerville Sports Club Elevator – Councillor Williams

MOVED: Councillor Williams

SECONDED: Councillor Webster

CNC52/15-16

That Administration investigate the malfunctioning elevator at the Walkerville Sports Club and in conjunction with the Walkerville Sports Club, resolve its usage problems so it provides access to the Clubrooms and makes the Clubrooms DDA compliant.

CARRIED

Conflict of Interest – Legal Advice – Councillor Graham-King

MOVED: Councillor Graham-King

SECONDED: Councillor Webster

CNC53/15-16

That the CEO obtain legal advice for Elected Members with respect to their roles in being actively involved in the decision making process in the Town Centre DPA bearing in mind that some of them own properties within the proposed Town Centre Zone.

CARRIED

11. MOTIONS WITH NOTICE

Nil

12. IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

MOVED: Councillor Webster

SECONDED: Councillor Graham-King

CNC54/15-16

That Items 14.3.2, 14.3.3, 14.3.9, 14.3.11 & 14.3.12 be moved as per their recommendations

CARRIED

13. STAFF REPORTS REQUIRING DECISION OF COUNCIL

13.1 Strategy

Nil

13.2 Policy

13.2.1 Development Act Delegations Policy

MOVED: Councillor Shetliffe

SECONDED: Councillor Graham-King

CNC55/15-16

That Council endorse the Development Act Delegations Policy as amended to include numbering of policy statements as marked in Attachment A.

CARRIED

13.3 Operational

13.3.1 Local Government Boundary Adjustment Reform Discussion Paper

MOVED: Councillor Busato

SECONDED: Councillor Shetliffe

CNC56/15-16

1. That Council receive and note the Discussion Paper on the Local Government Boundary Adjustment Reform, prepared by Jeff Tate Consulting Pty Ltd and appearing as Attachment A;
2. That Council support, in principle, the following proposed recommendations outlined in the Discussion Paper, namely:
 - a) Appoint a Commission/er to replace the abolished Boundary Adjustment Facilitation Panel and to ensure independent decision making as part of the role of:
 - i. the existing position of Electoral Commissioner
 - ii. the role of a Local Government Commission/er as proposed by the Local Excellence Expert Panel
 - iii. the existing position of Planning Commission/er proposed by the Expert Panel on Planning reform OR
 - iv. a 'Boundaries Commission/er' such as in New South Wales and Queensland
 - b) Allow the Commission/er to appoint an independent, case-specific and short term advisory body to undertake the assessment of major proposals;
 - c) Allow single Councils to initiate proposals;
 - d) Widen the range of people able to make a public application, namely, retain the current limitation to electors only but expand to include all electors within an affected Council;
 - e) Streamline a standard 'application' process for both public and Council-led initiations to replace the requirement for a fully developed proposal;
3. That Council does not support the proposed recommendation to:
 - i. Allow the Minister to initiate proposals to allow consideration of a wider range of potential options and to align South Australia with other States and Territories;*
 - ii. Allow the public to make an application direct to the Minister rather than require a two stage process of applying to the affected Councils first;*
4. That Administration write to the Local Government Association, no later than 28

CARRIED

13.3.2 The Avenue Road Reconstruction Consultation Results

MOVED: Councillor Busato
SECONDED: Councillor Bishop

CNC57/15-16

That Council resolves to:

1. Receive and note the results of The Avenue Reconstruction consultation;
2. Endorse the reconstruction of The Avenue as depicted on the FMG Engineering Plans C01 and C02 dated March 2015 (Attachment A);
3. Authorise Administration to commence the tender and construction phase of this project.

CARRIED

13.3.3 Hawkers Road Treatment Options Consultation Results

MOVED: Councillor Graham-King
SECONDED: Councillor Bishop

CNC58/15-16

That Council resolves to:

1. Receive and note the results of the Hawkers Road treatment options consultation;
2. Authorise Administration to commence the detailed design and further investigation works for two sections of footpath widening with potential zebra crossings on Hawkers Road, Medindie.

CARRIED

13.3.4 Traffic and Parking around Wilderness School

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC59/15-16

That Council resolves to:

1. Receive and note the GTA Consultants Traffic and Parking Review of Wilderness School Medindie;
2. Endorse Administration to prepare and release a consultation plan and survey on parking restrictions as per Attachment C.
3. A further report to be provided to Elected Members at the conclusion of the consultation.

CARRIED

13.3.5 Asset Management Program

MOVED: Councillor Webster
SECONDED: Councillor Shetliffe

CNC60/15-16

That the recommendations of the Audit Committee in relation to Asset Management Planning on 14th July 2015 and 11th August 2015 be received and adopted; and that Council;

1. Receives and noted the content of the Asset Engineering Report (July 2015), by Steve Walker.
2. Notes the recommendations of the Asset Engineering Report (July 2015), by Steve Walker, that;
 - a) *Council develops a unit rate spreadsheet that can be used and up-dated annually.*
 - b) *Council records actual costs against asset components*
 - c) *Council complete analysis of the road network commencing with field auditing of the raw data to produce a draft program of works*
 - d) *Council considers a detailed audit of the network by an experienced engineer*
 - e) *Council develop Asset Management Plans*
 - f) *Council undertake data collection against kerbing and footpaths that can be used to drive a renewal program*
 - g) *Council more closely distinguishes between maintenance, capital renewal and up-grade within its Asset Management Long Term Financial Plan*
 - h) *Council continue with its data collection exercise on buildings and allocate quantities against the data to allow for the formation of a renewal plan.*
3. Endorses 'in principle' the (Assetic) Asset Management Program for 2015/16 & 2016/17, as the basis for development of robust Asset Management Plans to inform strategic and long term financial planning.
4. Notes a re-allocation of funds within the re-current operating budget (upper limit of \$50,000.00) from the existing and approved *Assets and Infrastructure Program* operating budget for 2015/16 (for Transport and Building Programs), to achieve the (Assetic) Asset Management Program for 2015/16.
5. To maintain continuity of work already commenced between Administration and Assetic, Council endorses the position to extend contractual arrangements with Assetic to incorporate the work required in 2015/16 associated with the (Assetic) Asset Management Program for 2015/16.

CARRIED

13.3.6 Kaurna ILUA Liaison Committee

MOVED: Councillor Busato
SECONDED: Councillor Shetliffe

CNC61/15-16

That the report is received and noted.

CARRIED

13.3.7 Swap Library Network

MOVED: Councillor Williams

SECONDED: Councillor Fricker

CNC62/15-16

That Council waive \$25,200 'undefined' debts in relation to the ex-SWAP Network as advised by Public Library Services, (Attachment A) which is in line with its contributory share set out in the SWAP Memorandum of Agreement that existed at the time.

CARRIED

14. STAFF REPORTS PRESENTED FOR INFORMATION

14.1 Strategy

Nil

14.2 Policy

Nil

14.3 Operational

14.3.1 Monthly Financials – July 2015

MOVED: Councillor Webster

SECONDED: Councillor Fricker

CNC63/15-16

That the Council receives and notes the Monthly Financial Report for the period ending 31 July 2015.

CARRIED

14.3.2 Credit Card Status Report: Dec 2014 to June 2015

MOVED: Councillor Webster

SECONDED: Councillor Graham-King

CNC64/15-16



That the Credit Card Status Report for the period December 2014 to June 2015 be received and noted.

CARRIED

14.3.3 LGA Rate Capping Submission

MOVED: Councillor Webster
SECONDED: Councillor Graham-King

CNC65/15-16

That the LGA Rate Capping Submission be received and noted.

CARRIED

14.3.4 Question from the Gallery – Ordinary Meeting of Council

MOVED: Councillor Graham-King
SECONDED: Councillor Webster

CNC66/15-16

That the report on the recording of the Question raised by Mr Peera on the Movement Action Plan at the Ordinary meeting of Council on 18 May 2015 be received and noted.

CARRIED

14.3.5 40km/h Walkerville Terrace (between Stephen Terrace and Smith Street)

Councillor Shetliffe left the Chamber 8.47pm
Councillor Shetliffe re entered the Chamber at 8.49 pm

MOVED: Councillor Busato
SECONDED: Councillor Webster

CNC67/15-16

That the report be received and noted.

CARRIED

14.3.6 2015/16 CAPEX & OPEX Projects Program

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC68/15-16

The 2015/16 CAPEX & OPEX Projects Program be received and noted and status reports regarding progress and delivery of the same be provided at regular interval to Council during the 2015/16 year.

CARRIED

14.3.7 Works Report July 2015

MOVED: Councillor Williams
SECONDED: Councillor Graham-King

CNC69/15-16

That the Works Report for July 2015 is received and noted and the Ricketts Statue confidential report be circulated to members and the matter be presented to Council at its Ordinary meeting in September 2015.

CARRIED

14.3.8 Community Services Report

MOVED: Councillor Williams
SECONDED: Councillor Busato

CNC70/15-16

That the Community Services Report for August 2015 be received and noted.

CARRIED

14.3.9 Report from the Council's Development Assessment Panel

MOVED: Councillor Webster
SECONDED: Councillor Graham-King

CNC71/15-16

That the report from the Council Development Assessment Panel (CDAP) be received and noted.

CARRIED

14.3.10 Audit Committee Annual Report

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC72/15-16

That the Audit Committee Annual Report to Council for the 2014/15 financial year contained in Attachment A be received and noted.

CARRIED

14.3.11 ERA Water Board Minutes

MOVED: Councillor Webster
SECONDED: Councillor Graham-King

CNC73/15-16

That the minutes of the ERA Water Board meeting held on 7 August 2015 be received and noted.

CARRIED

14.3.12 East Waste Management Authority Tonnage Rates

MOVED: Councillor Webster
SECONDED: Councillor Graham-King

CNC74/15-16

That the report provided by the Eastern Waste Management Authority (trading as East Waste), showing the monthly tonnages collected for the period July 2014 – June 2015 and the monthly recycling statistics for the period July 2014 to June 2015 be received and noted.

CARRIED

14.3.13 Correspondence

MOVED: Councillor Williams
SECONDED: Councillor Busato

CNC75/15-16

That Correspondence marked as attachment A – B be noted.

CARRIED

14.3.14 Outstanding Council Resolutions / Action Report

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC76/15-16

That the attached list of outstanding Council resolutions as at 20 August 2015 be received and noted.

CARRIED

15. URGENT OTHER BUSINESS

Nil

16. CONFIDENTIAL ITEMS

16.1.1 YMCA Lease

MOVED: Councillor Shetliffe

SECONDED: Councillor Williams

CNC77/15-16

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 and Protocol, Compliance & Governance Officer, Deb Bria be excluded from attendance at the meeting for Agenda Item No.16.1.1 YMCA Lease.

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 prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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.

CARRIED

Recommendation (Confidential)

MOVED: Councillor Busato

SECONDED: Councillor Fricker

CNC78/15-16

That Council resolves - :

That the request from INEA YMCA (Inner North East Adelaide, Young Men's Christian Association), on 10 July 2015 (via email), from Mr David Clayton on behalf of the INEA YMCA Board, requesting Council consideration to a new lease term, 10 years + 10 year right of renewal is being considered by Council, pursuant to section 202 of the Local Government Act 1999 and the Chief Executive Officer, General Manager, Mayor and Deputy Mayor meet with the INEA YMCA to further discuss their request.

CARRIED

Recommendation (Confidential)

MOVED: Councillor Williams

SECONDED: Councillor Shetliffe

CNC79/15-16

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 Agenda Item No.16.1.1 YMCA Lease and any other documentation relative to the report to be retained in confidence including minutes in relation to this Agenda Item No.16.1.1 and minutes relating to Agenda Item No.16.1.1 be kept confidential until the matter has been finalised excepting that the Council authorises the release of the minutes to those parties identified in the substantive resolution relating to agenda item 16.1.1 and that pursuant to Section 91(9)(c) of the Local Government Act 1999 the Council delegates to the Chief Executive 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

16.1.2 East Waste Depot – Proposal to purchase

MOVED: Councillor Fricker
SECONDED: Councillor Williams

CNC80/15-16

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 and Protocol, Compliance & Governance Officer, Deb Bria Acting Finance Manager Vic Izzo be excluded from attendance at the meeting for Agenda Item No.16.1.1 YMCA Lease.

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 prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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.

CARRIED

At 10.23pm Cr Graham-King left the Chamber
At 10.27pm Cr Graham-King re entered the Chamber

MOVED: Councillor Fricker
SECONDED: Councillor Busato

CNC81/15-16

That Council agrees in principle with the option to purchase the East Waste Depot site at Ottoway for the independent price valuation of up to \$2,900,000 (exclusive of GST) plus purchase related costs estimated at \$167,000 subject to a contamination report which is acceptable to the Council.

CARRIED

Recommendation (Confidential)

MOVED: Councillor Williams
SECONDED: Councillor Shetliffe

CNC82/15-16

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 East Waste Depot – Proposal to purchase dated 18 August 2015 and any other documentation relative to the report to be retained in confidence excluding minutes in relation to this Agenda Item No 16.1.2 be kept confidential for a period of two years excepting that the Council authorises the release of the minutes to those parties identified in the substantive resolution relating to Agenda Item No 16.1.2 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 Levi Park Caravan Park

MOVED: Councillor Shetliffe
SECONDED: Councillor Williams

CNC83/15-16

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, Protocol, Compliance & Governance Officer, Deb Bria & Acting Finance Manager, Vic Izzo be excluded from attendance at the meeting for Agenda Item No.16.1.3 Levi Park Caravan Park.

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 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.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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.

CARRIED

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC84/15-16

That Council resolves - :

1. The Managers of Levi Park Caravan Park, *Ryad Hill Pty Ltd*, be formally advised that Council has acknowledged their request dated (received) 17 April 2015 for an extended term of 21 years, and in accordance with the Local Government Act 1999 (Section 202), cannot allow the current lease to exceed a period of 21 years in entirety, and;
2. At the cessation of the current Agreement with *Ryad Hill Pty Ltd*, Council desires to 'test the market' via an open tender process for the Management of the Levi Park Caravan Park or variation thereof, acknowledging the provision of Schedule 8, clause (9) of the Local Government Act 1999,
3. The Managers of Levi Park Caravan Park, *Ryad Hill Pty Ltd*, be formally advised that Council will complete a 'condition assessment' of assets within the Levi Park Caravan Park Site, and seek to clarify lessee and lessor responsibilities during 2015/16.
4. The Managers of Levi Park Caravan Park, be advised that following adoption of its 2015/16 budget, (including allocation for Cabin Up-Grades - \$20,000, and Sewer Up-Grade \$195,000), Council will work collaboratively to deliver up-grades to minimise disruption to business.
5. Council considers allocating funds within the 2016/17 budget, for the development of a Masterplan for the Levi Park site, which considers future operating models for the site, is aligned to the Local Government Act provisions (above), and is consistent with Councils community land management plan for the site.
6. The Levi Park Caravan Park, Working Party established by resolution in May 2015, be maintained for the term of the current Council, and meet as required, to contribute to the above program.

CARRIED

Recommendation (Confidential)

Moved: Councillor Williams
Seconded: Councillor Shetliffe

CNC85/15-16

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 Agenda Item No.16.1.3 Levi Park Caravan Park and any other documentation relative to the report to be retained in confidence including minutes in relation to this Agenda Item No.16.1.3 and minutes relating to this Agenda Item No.16.1.3 be kept confidential until the matter has been finalised and that pursuant to Section 91(9)(c) of the Local Government Act 1999 the Council delegates to the Chief Executive 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

16.1.4 Cemetery Management Walkerville Wesleyan Cemetery

MOVED: Councillor Shetliffe

SECONDED: Councillor Williams

CNC86/15-16

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 and Governance, Protocol & Compliance Officer, Deb Bria & Acting Manager Finance, Vic Izzo be excluded from attendance at the meeting for Agenda Item No.16.1.4 Cemetery Management, Walkerville Wesleyan Cemetery.

The Council is satisfied that, pursuant to section 90(3)(b) and (h) 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 is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, or pertains to legal advice.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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.

CARRIED

MOVED: Councillor Fricker
SECONDED: Councillor Webster

CNC87/15-16

1. Council receives and notes the content of the report presented to the Friends of the Wesleyan Cemetery at their Meeting held on 24 June 2015, regarding future management of the Wesleyan Cemetery.
2. Council receives and notes the content of the independent report, *'Hibernate No More'*, by Russ Allison (November 2014).
3. Council receives and notes the Friends of the Wesleyan Cemetery Minutes from their Meeting held on 24 June 2015; in relation to this matter;

"That it be recommended to Council that:

1. *Council explores the feasibility of an alternative future operating model for the Walkerville Wesleyan Cemetery*
2. *The recommendations contained within the 'Hibernate No More', by Russ Allison (November 2014) Report, including recommendation, 9, 7, 6, 5 and 4 be adopted, Viz;*
 4. *Conduct a formal risk assessment of the cemetery memorials.*
 5. *That a joint Cemetery Advisory Group be formed to consider, discuss and advise on certain management practices and works proposed in the Cemetery.*
 6. *That the Cemetery's Operating Policy be developed based upon the template provided by the CCASA.*
 7. *That the cemetery be surveyed.*
 9. *The Town of Walkerville should retain the Walkerville Wesleyan Cemetery.*
3. *The steps 1 to 3 herein, be progressed to determine feasibility towards a new operating model for the cemetery, viz;*

Step 1 – Survey & Valuation
Step 2 – Establish Cemetery Advisory Committee (CAG)
Step 3 – Develop draft Policy, Service Plan and Procedures with CAG
4. *The FOWC, be formally appointed as the CAG (Cemetery Advisory Group), and the terms of the FOWC be amended to reflect that outcome.*
5. *Further reports be presented to Council at critical points during the exploration of feasibility process"*
4. Council supports, "in principle", the recommendations of the Friends of the Wesleyan Cemetery (FOWC) Meeting held on 24 June 2015, and specifically endorses their resolutions No. 1, 3, 4 and 5 (above), and authorises the Administration to work with the FOWC, towards exploration of the feasibility of an alternative future operating model for the Walkerville Wesleyan Cemetery.

5. A budget of \$40,000.00 be allocated at the first budget review in 2015/16, to progress *Step 1, Survey and Valuation* (above), towards determining potential for an alternative future operating model.
6. The Council authorises Administration to provide a limited continuance to the current contract with DDC (in holding-over), to enable continuance of cemetery services during an interim period of investigations and scoping a new operating model for market consideration, but during the contract continuance period, negotiation an 'end-date' and the obligations that will apply to both parties upon cessation of the agreement.
7. The Council Administration, provide regular reports to Council on progress in relation to this matter.

CARRIED

Recommendation (Confidential)

MOVED: Councillor Williams
SECONDED: Councillor Shetliffe

CNC88/15-16

Pursuant to s.91(7)

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 Agenda Item No.16.1.4 Cemetery Managers, Walkerville Wesleyan Cemetery and any other documentation relative to the report to be retained in confidence including minutes in relation to this Agenda Item No.16.1.4 and minutes relating to this Agenda Item No.16.1.4 be kept confidential until the matter has been finalised and that pursuant to Section 91(9)(c) of the Local Government Act 1999 the Council delegates to the Chief Executive the review and power to revoke this Order.

Recommendation (Confidential)

MOVED: Councillor Shetliffe
SECONDED: Councillor Williams

CNC89/15-16

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.

16.1.5 Allity Pty Ltd – Application for Discretionary Rebate

MOVED: Councillor Williams
SECONDED: Councillor Shetliffe

CNC90/15-16

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 Manger, Heather Barclay, Acting Finance Manager, Vic Izzo & Protocol Compliance & Governance Officer, Deb Bria be excluded from attendance at the meeting for Agenda Item 16.1.5 Allity Pty Ltd Application for Discretionary Rate Rebate.

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 the 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 Allity Pty Ltd because information relates to financial affairs.

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 financial affairs of Allity Pty Ltd.

CARRIED

MOVED: Councillor Shetliffe
SECONDED: Councillor Webster

1. That Council refuses Allity Pty Ltd's request for a 50% discretionary rate rebate.
2. That Administration review the Rating Policy, and report back to Council no later than February 2016, any proposed amendments, in order for the Community to clearly understand the basis and criteria for the granting of discretionary rebates.

Amendment

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC91/15-16

1. That Council declines Allity Pty Ltd's request for a 50% discretionary rate rebate.
2. That Council grants Allity Pty Ltd a discretionary rate rebate of 10%, acknowledging that prima facie it meets the requirements of Section 166(1)(i) of the *Local Government Act 1999*.
3. That Administration review the Rating Policy, and report back to Council no later than February 2016, any proposed amendments, in order for the Community to clearly understand the basis and criteria for the granting of discretionary rebates

CARRIED

Recommendation (Confidential)

MOVED: Councillor Williams
SECONDED: Councillor Shetliffe

CNC92/15-16

Pursuant to s.91(7)

That having considered Agenda Item 16.1.5 Allity Pty Ltd Application for Discretionary Rate Rebate 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 any other information including the minutes relevant to Agenda Item 16.1.5 be retained in confidence for a period of 12 months, excepting that the Council authorises the release of the minutes to those parties identified in the substantive resolution relating to Agenda Item No 16.1.5 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. CLOSURE

The meeting closed at 11.06 pm



Presiding Member Signature:.....

Date:.....

