



# **MINUTES**

of

## **COUNCIL MEETING**

held in

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

on

**MONDAY 18 MAY 2015 AT 7.00PM**

KIKI MAGRO  
CHIEF EXECUTIVE OFFICER

**MINUTES**  
18 May 2015

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 M Graham-King  
Councillor G Webster  
Councillor D Whiting  
Councillor J Williams

Chief Executive Officer, K Magro  
Acting General Manager, H Barclay  
Protocol & Compliance Officer, D Bria  
Financial Controller, M Montu Abraham  
Manager Community Service, F Deckert  
Manager Planning & Infrastructure, B Willmott  
Manager Marketing & Communications, S DeNicola  
Team Leader Assets & Infrastructure, J Bowen  
Team Leader Community Services, S Rammell  
Property & Contracts Officer, G Krishman

1.2 Apologies

Nil

1.3 Not Present / Leave of Absence

Councillor Shetliffe – Leave of Absence approved 19 January 2015

**MOVED: Councillor Williams**  
**SECONDED: Councillor Webster**

**CNC321/14-15**

That Councillor Whiting be granted leave of absence for all meetings from the 19<sup>th</sup> May 2015 up to and including the 14 June 2015.

**CARRIED**

2. CONFIRMATION OF MINUTES

**MOVED: Councillor Busato**  
**SECONDED: Councillor Graham-King**

**CNC322/14-15**

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

**CARRIED**

### 3. DECLARATIONS OF INTEREST

Councillor Graham-King informed Members that she had a declaration of interest in items 13.1.3 Walkerville Tce Pedestrian Refuge as her house and business is located on Walkerville Tce and Item 16.1.5 Walkerville Bowling Club as she is a sponsor of the club. Councillor Graham-King remained in the Chamber and participated in the deliberations regarding both agenda items.

Councillor Webster informed Members that he had a declaration of interest in item 16.1.1 Walkerville Pre-Kindy as he has an association with the tenant. Councillor Webster advised members that he had sought advice and will participate with deliberations of this agenda item.

### 4. MAYORAL REPORT & REPORTS FROM ELECTED MEMBERS HAVING ATTENDED TRAINING, CONFERENCES OR SEMINARS

#### 4.1 Mayors Report

**MOVED: Councillor Webster**

**SECONDED: Councillor Busato**

#### **CNC323/14-15**

That the Mayoral Diary from 21 March 2015 to 17 April 2015 be received and noted.

**CARRIED**

#### 4.2 2015 Local Government Association (LGA) Showcase & Ordinary General Meeting

**MOVED: Councillor Webster**

**SECONDED: Councillor Graham-King**

#### **CNC324/14-15**

That Councillor Shetliffe's report on his attendance at the Local Government Associations Showcase & Ordinary General Meeting be received and noted.

**CARRIED**

### 5. QUESTIONS WITHOUT NOTICE

#### 6.1 Dragon Tree - Councillor Bishop

Is the status of the Dragon Tree being documented?

Administration Response – Team Leader Assets & Infrastructure

The Dragon Tree is being monitored on a regular basis. It has been determined that an arborist will be engaged to provide further advice on the health of the tree.

#### 6.2 Roadworks Wombat Crossing – Cr Webster

Is there a definitive time for the installation of the Wombat Crossing on Walkerville Terrace and have the traders been notified in regard to this matter and where will traffic be diverted during this process?

#### Administration Response – Manager Assets & Infrastructure

The initial signage notifying a 5 week construction period was due to a preferred contractor not being selected at the time, and as such, the construction period was an estimate. With the contractor now appointed, we have been advised the construction will take approximately 3 weeks. Currently we are waiting on the contractors proposed road closures, however buses will be allowed through. The contractor is handling direct notification to residents and traders and a letter is to be sent in the coming days. As soon as information is available on detours, details will be provided to members and available on Council's website.

#### 6.3 Focus Group – Councillor Williams

Can the Mayor please provide an update on when the liaison group meetings will commence?

Mayor response.

Correspondence was sent to both the business property owners and the business owners seeking their interest in participating with the liaison group. Unfortunately, the responses from the business sector were disappointing. It is anticipated that further correspondence will be sent to respondents advising of a proposed meeting date and time.

### 6. QUESTIONS FROM THE GALLERY

#### 6.1 Movement Action Plan – Mr S Peera

Can Council please explain the reasons for the delay in implementation of the Movement Action Plan?

#### Administration Response – Chief Executive Officer

Council approved the Movement Action Plan at its Ordinary meeting held on Monday 16 February 2015. As such, there has not been a delay with implementation of the actions.

With the adoption of the Movement Action Plan Council also identified priority items at its 20 April meeting. In line with Council's determination, Administration were required to provide further and better particulars on the treatment options to enable Council to make informed decisions on identified priorities. Council will further consider the pedestrian refuge on Walkerville Tce and Hawkers Road at tonight's meeting.

### 7. QUESTIONS ON NOTICE

Nil

### 8. PETITIONS

Nil

### 9. DEPUTATIONS / REPRESENTATIONS

#### 9.1 Waterproofing Eastern Adelaide – City of Burnside Mayor Parkin

City of Burnside's Mayor Parkin provided a deputation to Members in relation to the City of Burnside's recent resolution for the Waterproofing Eastern Adelaide Project.

## 9.2 NBN Presentation

Chris Gregory, representative from NBN provided members with an update on the NBN Program.

## 10. MOTIONS WITHOUT NOTICE

**MOVED: Councillor Fricker**  
**SECONDED: Councillor Busato**

### **CNC325/14-15**

That the passing of former Councillor Hugh Jameson Burton be recognised by Council.

**CARRIED**

## 11. MOTIONS WITH NOTICE

Nil

## 12. IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

**MOVED: Councillor Webster**  
**SECONDED: Councillor Graham-King**

### **CNC326/14-15**

That items 13.1.5, 14.1.6, 14.1.7, 14.1.8, 14.1.9, 14.1.10, 14.1.11 & 14.3.1 be moved as per their recommendations.

**CARRIED**

## 13. STAFF REPORTS REQUIRING DECISION OF COUNCIL

### 13.1 Operational

#### 13.1.1 2014/2015 Capital Works Status Report

**MOVED: Councillor Busato**  
**SECONDED: Councillor Whiting**

### **CNC327/14-15**

That Council resolves to:

1. Receive and note the 2014 / 2015 Capital Projects Status Update provided in Attachment A.
2. Endorse the Avenue reconstruction project for consultation, with;
  - a. Consultation to occur during June/July 2015

- b. A further report to be presented to Council August 2015, including outcomes of the consultation; and
  - c. Funds allocated for this program in 2014/15 to be carried forward to 2015/16 for any construction on this program to occur between October 2015 – January 2016.
3. Approve the asphalt replacement at the Walkerville Terrace/Smith Street Round-about in 2014/15, funded from savings realised in the road reseal program in conjunction with the Wombat Crossing.

**CARRIED**

#### 13.1.2 Budget Review 3

**MOVED: Councillor Fricker**  
**SECONDED: Councillor Graham-King**

#### **CNC328/14-15**

That Council adopts Budget Review 3 for FY 2014-15 and the variances contained therein as its amended and current budget for the period ending 30 June 2015.

**CARRIED**

#### 13.1.3 Walkerville Terrace Pedestrian Refuge

**MOVED: Councillor Whiting**  
**SECONDED: Councillor Williams**

#### **CNC329/14-15**

That having received the further information, Council withdraws the Walkerville Terrace Pedestrian Refuge as a priority item in the Movement Action Plan, at this stage and that a review be undertaken 6 months after the implementation of 40km.

**CARRIED**

#### 13.1.4 Hawkers Road Pedestrian Refuge

**MOVED: Councillor Whiting**  
**SECONDED: Councillor Fricker**

#### **CNC330/14-15**

That Council Endorse:

1. The Administration proceed with the design for Hawkers Road Pedestrian Refuges and undertake community consultation on the designs that include the removal of 26 car parking spaces;
2. The outcome of the community consultation to be presented back to Council for a final decision and additional budget approval, if required.

**CARRIED**

#### 13.1.5 Walkerville Oval Irrigation Upgrade

**MOVED: Councillor Webster**  
**SECONDED: Councillor Graham-King**

**CNC331/14-15**

That the Walkerville Oval Irrigation Update report be received and noted.

**CARRIED**

13.2 Policy

13.2.1 Review of Council By-Laws

**MOVED: Councillor Whiting**  
**SECONDED: Councillor Graham-King**

**CNC332/14-15**

1. That the Chief Executive Officer be authorised to refer Draft By-law 5 – Dogs, as attached to the report entitled Review of Council By-laws, to the Dog and Cat Management Board for comment in accordance with Section 90(5)(a)(b) of the *Dog and Cat Management Act 1995*.
2. That the Council endorse draft By-law No 1 – Permits and Penalties, draft By-law No 2 – Local Government Land, draft By-law No 3 – Roads, draft By-law No 4 – Moveable Signs, and draft By-law No 5 – Dogs, as attached to the report entitled Review of Council By-laws, for public consultation in accordance with Section 249 of the *Local Government Act 1999*. Such consultation will commence 21 days after the Chief Executive Officer has complied with resolution No. 1.
3. That the Chief Executive Officer be authorised to make copies of the draft by-laws available for public inspection without charge at the principal office of the Council during ordinary office hours 21 days after complying with resolution No. 1.
4. That the Chief Executive Officer be authorised to publish notice informing the public of the availability of the draft by-laws in the City North Messenger Press 21 days after complying with resolution No. 1.

**CARRIED**

13.2.2 Development Act Delegations

**MOVED: Councillor Webster**  
**SECONDED: Councillor Graham-King**

**CNC333/14-15**

That the Development Act Delegations be referred back to DAP for further review and recommendation, specifically focusing on the third dot point to include change of land use for DAP to consider rather than delegated, prior to being presented back to Council.

**CARRIED**

13.3 Strategy

Nil

14. STAFF REPORTS PRESENTED FOR INFORMATION

14.1 Operational

14.1.1 Monthly Financials

**MOVED: Councillor Fricker**

**SECONDED: Councillor Webster**

**CNC334/14-15**

That Council receives and notes the Monthly Financial Report for April 2015.

**CARRIED**

14.1.2 Spring Clean the Terrace: Graffiti Grant

**MOVED: Councillor Webster**

**SECONDED: Councillor Graham-King**

**8.58 pm Councillor Whiting left the Chamber**

That Elected Members receive and note Council's successful application for a 2015 Crime Prevention and Community Safety Grant and that Administration liaise with Mr Hannah in working collaboratively with keeping the Terrace graffiti free.

**9.03 pm Councillor Whiting re entered the Chamber**

Amendment

**MOVED: Councillor Busato**

**SECONDED: Councillor Williams**

**CNC335/14-15**

That Elected Members receive and note Council's successful application for a 2015 Crime Prevention and Community Safety Grant

**CARRIED**

The Presiding Member put the amendment which was carried and upon becoming the motion was again put and carried.

14.1.3 Warwick Street Reserve Development

**MOVED: Councillor Whiting**

**SECONDED: Councillor Busato**

**CNC336/14-15**

That the Warwick Street Reserve Development report be received and noted.

**CARRIED**

14.1.4 Works Report April/May 2015



**MOVED: Councillor Busato**  
**SECONDED: Councillor Webster**

**CNC337/14-15**

That the Works Report for April and May 2015 is received and noted.

**CARRIED**

14.1.5 Community Service Report

**MOVED: Councillor Busato**  
**SECONDED: Councillor Williams**

**CNC338/14-15**

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

**CARRIED**

14.1.6 LGA Submissions to the SA Government Taxation Review

**MOVED: Councillor Webster**  
**SECONDED: Councillor Graham-King**

**CNC339/14-15**

That Council receive and note the LGA Submission to the State Government Taxation Review, appearing as Attachment A.

**CARRIED**

14.1.7 Eastern Health Authority Minutes – 29 April 2015

**MOVED: Councillor Webster**  
**SECONDED: Councillor Graham-King**

**CNC340/14-15**

That the Eastern Health Authority Minutes for the meeting convened on 29 April 2015 be noted.

**CARRIED**

14.1.8 East Waste Special Board Minutes – 21 April 2015

**MOVED: Councillor Webster**  
**SECONDED: Councillor Graham-King**

**CNC341/14-15**

That the East Waste Committee Minutes for the Special Board meeting convened on 21 April 2015 be noted.

**CARRIED**

14.1.9 East Waste Management Authority Tonnage Rates

**MOVED: Councillor Webster**  
**SECONDED: Councillor Graham-King**

**CNC342/14-15**

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 March 2015 be received and noted.

**CARRIED**

14.1.10 Correspondence

**MOVED: Councillor Webster**  
**SECONDED: Councillor Graham-King**

**CNC343/14-15**

That Correspondence marked as attachment A - C be noted.

**CARRIED**

14.1.11 Outstanding Council Resolutions

**MOVED: Councillor Webster**  
**SECONDED: Councillor Graham-King**

**CNC344/14-15**

That the attached list of outstanding Council resolutions as at 18 May 2015 be received and noted.

**CARRIED**

14.2 Policy

14.2.1 Draft Local Government (Accountability and Governance) Amendment Bill 2015

**MOVED: Councillor Busato**  
**SECONDED: Councillor Webster**

**CNC345/14-15**

1. That Council receive and note the Draft Local Government (Accountability and Governance) Amendment Bill 2015;
2. That any feedback on the draft Bill be provided to Administration no later than Friday 22 May 2015, in order for Administration to prepare a response to the LGA on behalf of Council.

**CARRIED**

14.3 Strategy

14.3.1 Eastern Region Climate Change Adaption Plan – Resilient East Elected Member Workshop

**MOVED: Councillor Webster**  
**SECONDED: Councillor Graham-King**

**CNC346/14-15**

That Council:

1. receive and note the report;
2. note that the Elected Member workshop is to be held on Wednesday 1 July 2015 at the Convention Centre from 5.30pm to 8pm;
3. provide their rsvp to the CEO by Wednesday 10 June 2015 at the latest and advise of any dietary requirements.

**CARRIED**

15. URGENT OTHER BUSINESS

Nil

16. CONFIDENTIAL ITEMS

16.1.1 Walkerville Pre Kindy

**MOVED: Councillor Whiting**  
**SECONDED: Councillor Williams**

**CNC347/14-15**

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, Acting General Manager Heather Barclay, Protocol & Compliance Officer, Deb Bria, Manager Planning & Infrastructure, Brad Wilmott, Manager Community Service Fiona Deckert, Financial Controller, Manna Montu Abraham, Property & Contracts Officer, Ganesh Krishnan and Team Leader Assets & Infrastructure, Joshua Bowen be excluded from attendance at the meeting for Agenda Item 16.1.1 Walkerville Pre-Kindy.

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 is:

- conducting business; or
- proposing to conduct business; or
- would prejudice the commercial position of the Council

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**



16.1.1 Walkerville Pre Kindy

**MOVED: Councillor Whiting**

**SECONDED: Councillor Busato**

**CNC348/14-15**

That Council resolves to –

1. Test the market for provision of childcare in the Town of Walkerville by opening to tender, the lease for 13 Alfred Street, Walkerville for the purposes of a childcare centre being operated at the premises;
2. Authorises Administration to make all relevant preparations for entering into a tender process for the services, including immediately notifying the existing service provider of the intentions of Council (including their right to re-tender for the service) and preparing draft tender documents;
3. Notes that the draft brief and tender documentation will be brought back to Council for approval prior to the tender process commencing;
4. Notes that the evaluation of tenders will be conducted by a panel of relevant staff and Elected Members (personnel to be determined by Council at its meeting to approve tender documentation as per point 3 above), and will be brought back to Council for final approval of the recommended tenderer; and
5. Notes the following indicative timeline:

<b>Task</b>	<b>Date</b>
Notification to existing service provider	19/5/15
Draft Tender documents brought back to Council for approval	July/Aug 2015
Call for Tenders	Sept 2015

**CARRIED**

**MOVED: Councillor Whiting**

**SECONDED: Councillor Williams**

**CNC349/14-15**

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 Walkerville PreKindy dated 18 May 2015 and any other documentation relative to the report and minutes be retained in confidence 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 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**

16.1.2 Road Closure and sale of parcel of land between 10 -12 Almond Court

**MOVED: Councillor Whiting**  
**SECONDED: Councillor Williams**

**CNC350/14-15**

That pursuant to Section 90(2) of the Act, Council order that the public, with the exception of the Corporation of the Town of Walkerville's staff comprising the Chief Executive Officer, Kiki Magro, Acting General Manager, Heather Barclay, Compliance & Protocol Officer, Deb Bria, Financial Controller, Manna Montu Abraham, Marketing and Communications Manager, Sonia DeNicola, Manager Planning & Infrastructure, Brad Willmott, Manager Community Services, Fiona Deckert, and the Property & Contracts Officer, Ganesh Krishnan and Team Leader Assets & Infrastructure, Joshua Bowen be excluded from being present at the meeting on the basis that the matter contained in this report is information of the nature specified in subsections 90(3) (b) and (d) of the Act being:

"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;" and

"commercial information of a confidential nature (not being a trade secret) the disclosure of which - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest."

The said information relates to the terms of the closure and transfer of the parcel or land located between 10 and 12 Almond Court, Vale Park SA 5081 ("the Road"), being a roadway.

**CARRIED**

16.1.2 Road Closure and sale of parcel of land between 10 -12 Almond Court

**MOVED: Councillor Busato**  
**SECONDED: Councillor Fricker**

**CNC351/14-15**

That Council Resolves;

Further to a request received from Ms Giles, of 10 Almond Court, Vale Park to purchase a Council allotment in Almond Court (as described in Agenda Item 16.1.2), Council declines the request on the basis the land is utilised as part of Council's underground drainage system and cannot be built over.

**CARRIED**

**MOVED: Councillor Graham-King**  
**SECONDED: Councillor Webster**

**CNC352/14-15**

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, Agenda Item No. 16.1.2 "Road Closure and sale of parcel of land between 10 - 12 Almond Court", dated 18 May 2015 and any other documentation in relation to the report and minutes be retained in confidence until this matter has been finalised excepting it authorises the release of relevant documentation to parties to enact the resolution and that pursuant to Section 91(9)(c) of the Local Government Act 1999 the Council delegates to the Chief Executive Officer the review and power to revoke 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 Levipark Caravan Park

**MOVED: Councillor Webster**  
**SECONDED: Councillor Bishop**

**CNC353/14-15**

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 (Acting) Heather Barclay, Protocol & Compliance Officer, Deb Bria, Manager Planning & Infrastructure, Brad Wilmott, Manager Community Service Fiona Deckert, Financial Controller, Manna Montu Abraham, Property & Contracts Officer, Ganesh Krishnan and Team Leader Asset & Infrastructure, Joshua Bowen 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**

16.1.3 Levipark Caravan Park

**MOVED: Councillor Fricker**  
**SECONDED: Councillor Webster**

**CNC354/14-15**

That Council resolves - :

1. To receive and note the proposal from Ryad Hill Pty Ltd, received on 17 April 2015, including a proposal to Manage the Levi Caravan Park on behalf of Council for an extended term;
2. To undertake a condition assessment of the 'site', known as Levi Caravan Park forthwith;
3. That the Administration prepare a further report to Council (by 30 August 2015) on Levi Caravan Park, which;
  - a) considers the Ryad Hill Pty Ltd proposal, contextual with their existing lease agreement with Council, and the objectives of Council's Contracts and Tender Policy, in terms of (but not, limited to), accountability, fair, competitive and non-discriminate procedures and process, and;
  - b) presents options to Council for consideration, aligned to Local Government Act provisions for the Levi Caravan Park, considerate of Council's Lease and License Policy for Community Land and Buildings, and Council's Contracts and Tender Policy;
4. Ryad Hill Pty Ltd be advised that Council has received and noted their letter dated 2<sup>nd</sup> June 2014 and proposal (received on 17 April 2015) in 1. above, and will formally consider the same by 30 August 2015.
5. To assist in facilitating 3. above, Council establish a Working Party comprising three (3) Elected Members and two (2) Council Officers.
  - a) Officers shall be the CEO or nominee (appointed by the CEO), and one (1) other Officer nominated by the CEO
  - b) Elected Members will be:
    1. Mayor Grigg
    2. Councillor Fricker
    3. Councillor Webster
  - c) The term of the Working Party will be for an initial period of three months, commencing 19th May 2015
  - d) The Working Party will have no decision making powers

**CARRIED**

16.1.3 Levipark Caravan Park

**MOVED: Councillor Whiting**

**SECONDED: Councillor Fricker**

**CNC355/14-15**

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 dated 18 May 2015 and any other documentation relative to the report and minutes be retained in confidence 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 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**

16.1.4 Financial Hardship – request from ratepayer to waive and refund fines & legal Fees

**MOVED: Councillor Webster**  
**SECONDED: Councillor Fricker**

**CNC356/14-15**

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 (Acting) Heather Barclay, Protocol & Compliance Officer, Deb Bria, Manager Planning & Infrastructure, Brad Wilmott, Manager Community Service Fiona Deckert, Financial Controller, Manna Montu Abraham, & Property & Contracts Officer, Ganesh Krishnan & Team Leader Assets & Infrastructure, Joshua Bowen be excluded from attendance at the meeting for Agenda Item 16.1.4 Financial Hardship - Request to waive and refund fines and legal fee.

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 the financial affairs of a ratepayer.

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 of the personal nature of the report being discussed.

**CARRIED**

16.1.4 Financial Hardship – request from ratepayer to waive and refund fines & legal Fees

**MOVED: Councillor Whiting**  
**SECONDED: Councillor Fricker**

**CNC357/14-15**

That Council resolves -:

1. To authorise the Council Administration;
  - Pursuant to Section 181 (9) of the Local Government Act, to waive and refund fines associated with Assessment No. A522, incurred since January 2014, for \$389.70, on the basis of financial hardship, as defined in Councils Rating Policy, and
2. To advise Mr. De Pizzol of its decision to waive and refund fines effective January 2014 associated with Assessment No. A522

**CARRIED**

**MOVED: Councillor Williams**  
**SECONDED: Councillor Fricker**

**CNC358/14-15**

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 Financial Hardship - Request to waive and refund fines and legal fee dated 18 May 2015 and any other documentation relative to the report and minutes be retained in confidence for a period of 12 months excepting it authorises the release of relevant documentation to parties to enact the resolution and that pursuant to Section 91(9)(c) of the Local Government Act 1999 the Council delegates to the Chief Executive Officer the review and power to revoke 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 Walkerville Bowling Club

**MOVED: Councillor Whiting**  
**SECONDED: Councillor Williams**

**CNC359/14-15**

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, Acting General Manager Heather Barclay, Protocol & Compliance Officer, Deb Bria, Manager Planning & Infrastructure, Brad Wilmott, Manager Community Service, Fiona Deckert, Financial Controller, Manna Montu Abraham, Property & Contracts Officer, Ganesh Krishnan and Team Leader Assets & Infrastructure, J Bowen be excluded from attendance at the meeting for Agenda Item 16.1.5 Walkerville Bowling Club.

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 is:

- conducting business; or
- proposing to conduct business; or
- would prejudice the commercial position of the Council

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**

16.1.5 Walkerville Bowling Club

**MOVED: Councillor Whiting**

**SECONDED: Councillor Fricker**

**CNC360/14-15**

That Council resolves:

1. To Agree in principle to financially assist Walkerville Bowling Club's at its request,
  - a. by making re-payments of the loan on Walkerville Bowling Club's behalf until 31 December 2015; and
  - b. Subsidise 50% of wage payments to the Walkerville Bowling Club's employee, the greens keeper, from 1 May 2015 (to be back dated) to 31 August 2015.
2. To wait on the report from the independent financial assessor for Administration to present a further Confidential Report (in either the June or July Council Meeting) on the viability of the Walkerville Bowling Club and possible financial models for the Walkerville Bowling Club to adopt moving forward;
3. For Administration to present in the aforementioned Confidential Report, a draft agreement to be executed between Council and Walkerville Bowling Club, that sets out the terms of the financial assistance to the Walkerville Bowling Club as set out in point 1; and
4. For Administration to notify Walkerville Bowling Club of Council's resolution from this Council meeting.

**CARRIED**

**Recommendation (Confidential)**

**MOVED: Councillor Webster**

**SECONDED: Councillor Busato**

**CNC361/14-15**

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 16.1.5 Walkerville Bowling Club dated 18 May 2015 and any other documentation relative to the report be retained in confidence excluding minutes 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 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 Mayor declared the meeting closed at 10pm.

Presiding Member Signature:.....

Date:.....



