

COUNCIL MEETING

Minutes of the Corporation of the City of Unley Council Meeting Held on Monday 22 February 2016 at 7.00pm Council Chambers, 181 Unley Road Unley

PRESENT

Mayor Lachlan Clyne, Presiding Member

Councillors	A Lapidge	P Hughes
	R Sangster	M Rabbitt (Deputy Mayor)
	M Hewitson	R Salaman
	B Schnell	L Smolucha
	J Boisvert	D Palmer
	J Koumi	M Hudson

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager Assets & Environment, Mr J Devine
General Manager Community, Ms M Berghuis
General Manager Economic Development & Planning, Mr D Litchfield
Group Manager Governance, Ms R Wilson
Executive Assistant to the CEO & Mayor, Ms C Gowland
Manager Property Assets, Mr A Johns
Manager Finance, Mr M Carey

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Kaurna Acknowledgement.

PRAYER AND SERVICE ACKNOWLEDGEMENT

Members stood in silence in memory of those who had made the Supreme sacrifice in the service of their country, at sea, on land and in the air.

WELCOME

The Presiding Member welcomed Members of Council, Senior Staff, members of the gallery and the media to the 22 February 2016, meeting of the Unley City Council.

APOLOGIES

Nil

CONFLICT OF INTEREST

Nil

ITEM 377

CONFIRMATION OF MINUTES

MOVED Councillor Palmer

SECONDED Councillor Schnell

That the Minutes of the Council meeting held on Monday 25 January 2016, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

DEFERRED / ADJOURNED ITEMS

Nil

PETITIONS

Nil

PRESENTATIONS

Nil

DEPUTATIONS

Nil

ITEM 378
MINUTES OF INFRASTRUCTURE AND SUSTAINABILITY COMMITTEE (I&SC)
MEETING – 9 FEBRUARY 2016

MOVED Councillor Hewitson
SECONDED Councillor Sangster

That:

1. The minutes of the Infrastructure and Sustainability Committee meeting held on Tuesday, 9 February 2016, be received.
2. The recommendations listed under:

Item 14
Environmental Planning Options

Item 15
2015/16 Project Status Update

Late Item 16
Infrastructure and Sustainability Committee action records

Item 17
Motion without Notice
Environmental Planning Options – Development Strategy and Policy
Committee

Inclusive, be adopted.

CARRIED UNANIMOUSLY

ITEM 379
MINUTES OF COMMUNITY AND CULTURE COMMITTEE MEETING – 10
FEBRUARY 2016

MOVED Councillor Hughes
SECONDED Councillor Rabbitt

That:

1. The minutes of the Community and Culture Committee meeting held on Wednesday 10 February 2016, be received.
2. The recommendations listed under:

Item 12
2016 SALA Award

Item 13
Community Centre Directions Paper

Item 14
Living Active Update

inclusive, be adopted.

CARRIED UNANIMOUSLY

****ITEM 380**

MINUTES OF DEVELOPMENT STRATEGY AND POLICY COMMITTEE (DSP)
MEETING – 15 FEBRUARY 2016

MOVED Councillor Palmer
SECONDED Councillor Boisvert

That:

1. The minutes of the Development Strategy and Policy Committee meeting held on Monday, 15 February 2016, be received.
2. The recommendations listed under:

Item 15
Unley Central Development Plan Amendment – Preliminary consultation and preferred options review

Inclusive, be adopted.

Councillor Hewitson MOVED an AMENDMENT, SECONDED Councillor Salaman, that:

Item 15
Unley Central Development Plan Amendment – Preliminary consultation and preferred options review be amended as follows:

1. The report be received.
2. The URPS Summary of Preliminary Consultation on Stage 1 be acknowledged.
3. The URPS Briefing Notes for preferred options be acknowledged and endorsed (incorporating changes recommended by the DSP Committee) for further Stage 2 Key Stakeholder consultation.

4. The Engagement Plan for Stage 2 Key Stakeholder Consultation 'Design Lab' to refine the preferred option for further DSP Committee and Council consideration as part of the draft DPA be noted.
5. The 30 degree angle measured from zone boundaries be measured from a height of 2 metres.

The AMENDMENT was put and **CARRIED**

The AMENDMENT then became the MOTION and was **CARRIED UNANIMOUSLY**

****ITEM 381**

BUSINESS PARKING PERMITS

SUSPENSION OF MEETING PROCEDURES

It was suggested that the meeting would benefit from a suspension of meeting procedures, for up to 25 minutes to discuss this item.
This was agreed with a two thirds majority.

Meeting procedures were suspended at 7.28pm.

FURTHER SUSPENSION OF MEETING PROCEDURES

A further suspension of meeting procedures, for up to 5 minutes, was agreed with a two thirds majority.

This was agreed with a two thirds majority.

Meeting procedures were suspended at 7.54pm.
Meeting procedures resumed at 8.00pm.

MOVED Councillor Schnell

SECONDED Councillor Hudson

That:

1. The report be received.
2. The introduction of Business Parking Permits in Maple Avenue and the vicinity of the Goodwood Centre be endorsed on a trial basis for the remainder of this financial year with an initial annual fee of \$56 per permit (to be reviewed annually as part of the review of the schedule of fees and charges if they are introduced on a permanent basis) which will allow permit holders to be exempt from time controls in the specified residential streets and business only streets.

3. Appropriate procedures be developed to manage such permits.
4. The number of such permits issued must not exceed 10% of the available on-street car parking spaces in the residential street for which they are issued, and they must only be issued for residential streets where the number of residential permits and exemptions does not exceed 50% of the available on-street car parking spaces.
5. The community be informed by a report in the Eastern Courier Messenger Unley Life section.
6. A further report be presented before the end of 2016 with recommendations about the future of business permits once further information is available about the Paid Parking trial and the business permits trial, and if that report recommends that business permits be retained, then a Draft Business Parking Permits Policy also be presented for consideration.

Councillor Salaman MOVED an AMENDMENT, SECONDED Councillor Boisvert, that:

1. The report be received.
2. The introduction of Business Parking Permits be endorsed on a trial basis for the remainder of this financial year with an initial annual fee of \$56 per permit (to be reviewed annually as part of the review of the schedule of fees and charges if they are introduced on a permanent basis) which will allow permit holders to be exempt from time controls in the specified residential streets and business only streets.
3. Appropriate procedures be developed to manage such permits.
4. The number of such permits issued must not exceed 10% of the available on-street car parking spaces in the residential street for which they are issued, and they must only be issued for residential streets where the number of residential permits and exemptions does not exceed 50% of the available on-street car parking spaces.
5. The community be informed by a report in the Eastern Courier Messenger Unley Life section.
6. A further report be presented before the end of 2016 with recommendations about the future of business permits once further information is available about the Paid Parking trial and the business permits trial, and if that report recommends that business permits be retained, then a Draft Business Parking Permits Policy also be presented for consideration.

The AMENDMENT was put and **LOST**

A Division was called and the previous decision set aside.

Division

Those voting in the affirmative:

Councillors Palmer, Boisvert, Salaman, Hudson, Koumi, Hughes and Mayor Clyne.

Those voting in the negative:

Councillors Schnell, Smolucha, Hewitson, Lapidge, Sangster and Rabbitt.

The AMENDMENT was **CARRIED**

The AMENDMENT then became the MOTION and was **CARRIED**

A Division was called and the previous decision set aside.

Division

Those voting in the affirmative:

Councillors Schnell, Smolucha, Palmer, Boisvert, Salaman, Hudson, Koumi, Lapidge and Rabbitt.

Those voting in the negative:

Councillors Hewitson, Hughes and Sangster.

The MOTION was declared **CARRIED**

Councillor Salaman left the meeting at 8.13pm returning at 8.15pm during discussion on the above Item.

Councillor Hudson left the meeting at 8.18pm returning at 8.19pm during discussion on the above Item.

ITEM 382
SECOND QUARTER BUDGET REVIEW 2015-16

MOVED Councillor Rabbitt
SECONDED Councillor Lapidge

That:

1. The report, including Attachments 1- 4 to Item 382/16 be received.
2. The budget variations from the Second Quarter 2015-16 Budget Review be approved.
3. The revised budgeted Uniform Presentation of Finances reflecting a Budgeted Operating Surplus of \$1.867m from \$1.534m and a decreased Net Borrowing of \$2.651m from \$3.744m be adopted.

CARRIED UNANIMOUSLY

ITEM 383
REVOCATION OF COUNCIL POLICIES

MOVED Councillor Schnell
SECONDED Councillor Boisvert

That:

1. The report be received.
2. Revoke all policies contained at Attachments 1 to 6 of Item 383/16:
 1. Open space policy
 2. Council's role in economic development policy
 3. Installation of community information (fingerboards) signs policy
 4. Community social development policy
 5. Ron Young grant program policy
 6. Public statements policy.

CARRIED UNANIMOUSLY

****ITEM 384**

DOG AND CAT BOARD – CALL FOR NOMINATIONS

MOVED Councillor Rabbitt

SECONDED Councillor Smolucha

That:

1. The report be received.
2. A nomination for Councillor Schnell as a Local Government representative on the Dog and Cat Management Board be submitted to the Local Government Association by close of business Friday 4 March 2016.

CARRIED UNANIMOUSLY

ITEM 385

FLAG MANAGEMENT POLICY REVIEW

MOVED Councillor Boisvert

SECONDED Councillor Salaman

That:

1. The report be received.
2. The revised 'Flag Management' policy at Attachment 1 to Item 385/16 be endorsed.

CARRIED UNANIMOUSLY

ITEM 386

QUARTERLY PERFORMANCE REPORT

MOVED Councillor Schnell

SECONDED Councillor Smolucha

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 387
COUNCIL ACTION RECORDS

MOVED Councillor Palmer
SECONDED Councillor Boisvert

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 388
QUESTIONS ON NOTICE FROM COUNCILLOR RABBITT RE EASTERN
COURIER MESSENGER ARTICLE ON ANNUAL BUSINESS PLAN

Questions

In regard to the recent article in the Eastern Courier Messenger relating to our Business Plan and in particular, the issue of “Other Expenditure”, can Administration:

1. *Comment on our practice as far as categorising items under this heading.*

Answer

The current format of Council’s financial accounts are in accordance with accounting standards and the model set of accounts prescribed by the Regulations. The category of ‘Other’ is used to record expenditure which does not specifically fit anywhere else.

This is a common practice used by organisations.

2. *Provide a ‘breakdown’ of the major items included in “Other Expenditure”.*

Answer

The breakdown of major items are as follows:

- \$372k –is our annual membership payment to the Local Government Association.
- \$135k – program expenses are for the delivery of services at our Community Centres and through Community Services (most have corresponding income).
- Bank fees and debt collection fees of \$130k.
- Payment to the Valuer General for the rates valuation data of \$162k.
- Fringe Benefits Tax \$157k.
- Committee sitting fees of \$50k.
- \$720k – marketing expenses includes:
 - o \$322k separate marketing levy raised on behalf of the 5 Main Street Associations (fully distributed to the associations),

- \$83k for printing and distribution of Unley Life quarterly magazine,
- \$11.5k for media monitoring,
- \$20k for Museum displays and bi –annual exhibition,
- \$15k for the promotion of Library events (the annual festival and harmony day),
- \$24.7k promotion of the Tour Down Under and Gala Events
- \$74k continued delivery of the Main Street Digital Strategy
- \$12k for the promotion and printing of brochures of the Unley Swimming Centre
- \$4,500 for Waste Management promotion and brochures
- \$22k for brochures/program of activities at 4 Community Centres.

3. *Confirm or refute the claim that it includes the cost of BBQs with slabs of beer at the depot.*

Answer

There are no BBQs held at the depot nor are there slabs of beer at the depot.

ITEM 389

QUESTIONS ON NOTICE FROM COUNCILLOR HUDSON RE CYCLISTS ON FOOTPATHS

Questions

The recent decision by State Government to permit cyclists to use footpaths raises some interesting questions, which I enumerate below:

1. *Did the decision come into force immediately and without consultation with any parties outside Government, ie Councils?*

Answer

The proposal came from the Premier's Citizens Jury and was subject to a consultation process in March 2015. The Local Government Association coordinated the responses from the Local Government sector. These responses raised a significant level of concern about the proposals but the Government proceeded to introduce them. The policy came into law with about two months' notice to the public.

2. *How will this new legislation be monitored, and by whom?*

Answer

With regards to enforcing cyclists' behaviour on footpaths, Council does not have powers to do so. However, Council can ban cyclists from using certain footpaths under the current delegated powers. Enforcement of laws such as cyclists giving way to pedestrians and cyclists using audible warning devices when approaching pedestrians is the responsibility of the SA Police force.

3. *Councils, I understand, have discretionary powers which will allow certain footpaths to be exempted from the use by cyclists? Is this the case?*

Answer

Yes

4. *If so, what criteria will be involved?*

Answer

Council will have to develop criteria based on a number of factors including (but not limited to) safety, asset condition, types of users, location etc. This is a very significant amount of work. Before cyclists could be banned from any footpath a detailed assessment would have to be made using the criteria determined by Council.

As an example, a footpath that is well used by residents of an aged living facility could be made cyclist free and an identical footpath elsewhere in the Council area would remain available to cyclists. Each footpath has to be considered on its merits.

5. *How will cyclists (and pedestrians) know which footpaths are NOT available for two-wheeled modes of transport?*

Answer

Should Council restrict cyclists using footpaths at certain location/locations, appropriate signs such as that shown below will need to be installed as per the Australian Standard requirements.



6. *Will there be a need for signs to delineate which footpaths are cycle-free?*

Answer

Yes

7. *Will such expense be the responsibility of Local Government?*

Answer

Yes

8. *Road rules demand that motorists have to maintain a certain distance from cyclists. Will there be a similar distance required from cyclists passing or overtaking pedestrians, etc.?*

Answer

No.

Australian Road Rule 250(2) states the following:

*“The rider of a bicycle riding on a footpath or shared path must—
(a) keep to the left of the footpath or shared path unless it is impracticable to do so;
and
(b) give way to any pedestrian on the footpath or shared path.”*

As per the road rules, cyclists must give way to pedestrians using a footpath. However, there is no specific requirement on passing/overtaking distances required.

9. *Given the narrowness of most of Unley’s footpaths, how would a similar safety zone be possible?*

Answer

There are no specific passing/overtaking distance requirements for cyclists using the footpath.

10. *In the event of incidents involving cyclists versus pedestrians, pram-pushers, gopher users, etc, will the handling of subsequent legal action be the responsibility of councils or the police?*

Answer

Similarly to vehicle accidents on Council roads, Council has no involvement in prosecutions. If an incident causes damage to Council owned infrastructure and Council considers it warranted, Council could launch legal action.

ITEM 390

QUESTION ON NOTICE FROM COUNCILLOR PALMER RE COST OF COMMUNITY CONSULTATION

Questions

1. *Can we be advised what is our total annual cost of community consultation across all departments, including consultations authorised by council, consultations prompted by admin on changes to roads etc, representations on Category 2 and 3 development applications.*

Answer

As Council does not have a centralised consultation process or budget line, it is difficult to ascertain the total annual cost of consultation. However, it is estimated that the annual cost to undertake community engagement is conservatively estimated at \$238,000, noting this figure excludes staff time.

This calculation is based on:

- Approximately \$17,000 spent on consultations on Category 2& 3 development applications per annum
- Approximately \$25,000 on traffic management consultations per annum
- \$28,000 annual fee for Council's online consultation software.
- A total cost of approximately \$168,000 for the 28 other consultations in 2015 with an average amount* for each consultation being estimated at \$6,000.
-

This average amount* for consultations is calculated based on the following tools being utilised:

- | | |
|--|---------|
| • Mail out to 3000 residents (estimate) | \$3,400 |
| • Corflute design and print | \$ 600 |
| • Fliers and posters (based on 5,000 sheets) | \$1,000 |
| • Messenger advertisement | \$ 800 |
| • Community meeting catering | \$ 200 |

Please note, this does not include the costs associated with:

- Community engagement conducted by external consultants as part of specific projects, such as King William Road Master Plan and Brownhill Keswick Creek,
- Engagement notifications in our regular Unley Life column or What's On in Unley, or
- Communication and consultation related to more routine work, rather than projects.

The 28 other consultations are as follows:

1. 2015 Double Shot Coffee First Feedback Survey
2. Active Ageing Strategy
3. Animal Management Plan 2016 - 2020
4. Community Centres Customer Satisfaction Survey
5. Customer Satisfaction Survey
6. Draft - Living Active Sport and Rec Plan 2015 -- 2020
7. Draft Annual Business Plan 2015-16
8. Forestville Reserve
9. Forestville/ Everard Park LATM
10. Found out - unearthing our place
11. Fullarton Area Parking Review
12. Future Grandstand Upgrades at Unley Oval
13. Goodwood Main Street Concept Design
14. Goodwood Precinct Urban Design Framework Review
15. Haslop Reserve Upgrade
16. Highgate Community Development Project
17. Katherine Street – A Local Park for the Fullarton community
18. Leader Street Stage 1 Streetscape Upgrade
19. Maud St Kerbing Build Out
20. Proposed Mobile Phone Tower Goodwood Oval
21. Randolph Ave Street Renewal
22. Review of Council By-laws
23. Revocation of Community Land Classification and Possible Sale of Lot 502
Dover Street, Malvern (2nd consultation)
24. Temporary Parking Controls Review (Royal Adelaide Show)
25. Unley Central Precinct
26. Wayville / Unley / Goodwood Local Area Traffic Management Plan
27. Website Feedback Survey
28. What does Goodwood Main Street mean to you?

2. *Can we be advised of the method of consultation and the total cost of each consultation on a group of given projects including but not restricted to Unley Central, the Picket Fences and other such projects of admin's choice by way of example of what we spend on a per project budget.*

Answer

Please refer to the table below in response to questions 2, 3 and 4, noting the cost estimates provided exclude staff time.

Project	Method	Approx. budget spend on consultation	Approx. number of rate payers consulted	Approx. number responses
Unley Central (ongoing)	<i>Web page Your Say Mail out Poster – public display Messenger Drop-in sessions</i>	<i>Material advertisement postage and Consultant support - \$13,090</i>	<i>900 (\$14.50/ head)</i>	<i>110 (at 21/12/15) (\$119/ head)</i>
Katherine Street	<i>Web page Your Say Mail out Posters – public display Community meetings Email updates</i>	<i>Material and postage \$4,380</i>	<i>700 (\$6/ head)</i>	<i>160 (\$27/ head)</i>
Picket fences	<ul style="list-style-type: none"> <i>A press release sent to all media partners.</i> <i>Plans, notices and feedback forms placed at Unley Oval, Civic Centre, Libraries and Community Centres.</i> <i>Your Say Unley campaign.</i> <i>Two separate advertisements in the messenger.</i> <i>Multiple notices placed in the Eastern Courier (Unley Life Column).</i> <i>Social media promotion.</i> 	<i>\$4000</i>	<i>1847 The Your Say Unley website page attracted 1,115 page views (\$2.20/ head)</i>	<i>420 (\$9/ head)</i>
Unley Oval Grandstands	<ul style="list-style-type: none"> <i>A press release sent to all media partners.</i> <i>Plans, notices and feedback forms placed at Unley Oval, Civic Centre, Libraries and Community Centres.</i> <i>Your Say Unley campaign.</i> <i>Multiple notices placed in the Eastern Courier (Unley Life Column).</i> <i>Social media promotion.</i> 	<i>\$2000</i>	<i>905 The Your Say Unley website page attracted 905 page views (\$2.20/ head)</i>	<i>106 (\$19/ head)</i>
Living Young Strategy	<ul style="list-style-type: none"> <i>Instagram photography competition.</i> <i>Mayor's Round Table</i> <i>Community and Culture Committee with young</i> 	<i>\$4500</i>	<i>200 (\$22.50/ head)</i>	<i>130 (\$35/ head)</i>

	<p>guests.</p> <ul style="list-style-type: none"> • <i>Consultant's engagement with young adults and production of report.</i> • <i>Meetings with young people.</i> • <i>Your Say Unley campaign</i> • <i>Emails, letters and posters to schools, sporting clubs, arts groups, youth groups etc.</i> 			
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3. *Can we then please advise then the number of rate payers consulted cost per head of each of these campaigns.*

Answer

Please refer to the table in question 2.

4. *Likewise, can we be advised of the number of responses to each campaign and the cost per head of responses received.*

Answer

Please refer to the table in question 2.

ITEM 403
QUESTIONS WITHOUT NOTICE

Councillor Palmer asked the following Questions Without Notice, which will become Questions on Notice and answered at the Council meeting in March 2016.

“I refer to the Quarterly report and in particular the reference to numbers of building inspections involving roof framing. As the report indicates we are required to inspect at least 66% of all building rules consents where a building work contractor is responsible for the relevant work, 90% where a licensed contractor is NOT responsible.

I notice that we have in the past 3 quarters inspected at least 96% of those where a licensed builder is responsible and 100% where this is not the case.

The question is: What level of compliance are we seeing from the licensed builders and how much have we found a need to re-inspect. Is there a level on non-compliance indicating to us that it is desirable to continue targeting 96% of licensed builders, rather than just meet our statutory obligations.”

Councillor Sangster asked a question regarding the Future Directions of the Parklands.

A memo had been provided to all Members last week.

Councillor Hughes – questioned why the Greek Festival was cancelled. Administration advised that it could have been because their event coordinator resigned.

Councillor Hudson asked various questions regarding the AFL match played at Unley Oval.

The Chief Executive Officer provided answers to all questions.

ITEM 391
CORRESPONDENCE

Noted

ITEMS MOVED EN BLOC

MOVED Councillor Schnell
SECONDED Councillor Palmer

That Items 392 and 393 be moved En Bloc

ITEM 392
MAYOR'S REPORT FOR MONTH OF FEBRUARY 2016

That:

1. The report be received.

ITEM 393
DEPUTY MAYOR'S REPORT

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 394
REPORTS OF MEMBERS

Council note the attached reports from Members.

ITEM 395

**NOTICE OF MOTION FROM THE CHIEF EXECUTIVE OFFICER RE RESCISSION
MOTION FOR RECOMMENDATION 5 ITEM 82/15 – CITY OF UNLEY LIBRARY
SERVICE REVIEW**

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

Pursuant to Regulation 21(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, the decision in Recommendation 5 of Item 82/15 – City of Unley Library Service Review, made at the Ordinary Council meeting on the 23 March 2015, as outlined below, be revoked:

- “5. Administration investigate a number of alternative service delivery models to the current Library Service. This could include (but not be limited) to the provision of a new purpose built library at an appropriate location within the city, modifications to the existing library in the town hall, the provision of small library outlets in partnership with other organisations and the provision of additional pick up/ drop off facilities at locations across the city. As part of the investigation process, consultation occur with the community regarding the options investigated. A report of findings be presented to Council for consideration in January 2016.”

CARRIED UNANIMOUSLY

ITEM 396

**NOTICE OF MOTION FROM COUNCILLOR HEWITSON RE TRAFFIC - KING
WILLIAM ROAD**

MOVED Councillor Hewitson
SECONDED Councillor Salaman

That Council draws the attention of staff, to the unsafe view from the driver's seat of a small car when looking right from Arthur Street to King William Road as shown in the below photo. Council asks that a report be provided to the next Council meeting as to actions taken and actions that can be taken to make this intersection safer.

CARRIED UNANIMOUSLY

Councillor Koumi left the meeting at 9.45pm returning at 9.49pm during discussion on the above Item.

ITEM 397

**CONFIDENTIALITY MOTION FOR ITEM 398 – REVOCATION OF COMMUNITY
LAND CLASSIFICATION AND PROPOSED DISPOSAL OF LAND MALVERN**

MOVED Councillor Schnell
SECONDED Councillor Smolucha

That:

1. Pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999 the Council orders the public be excluded, with the exception of the following:

Mr P Tsokas, Chief Executive Officer
Mr D Litchfield, General Manager Economic Development & Planning
Mr J Devine, General Manager Assets and Environment
Ms M Berghuis, General Manager Community
Ms R Wilson, Group Manager Governance
Ms C Gowland, Executive Assistant to CEO and Mayor
Mr A Johns, Manager Property Assets

on the basis that it will receive and consider the report on classification and proposed disposal of Council land, and that the Council is satisfied that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

(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.

It would be in the best interest of Council to consider this matter in confidence.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were closed at 9.52pm.

Councillor Hudson left the meeting at 9.51pm returning at 9.52pm during discussion on the above Item.

Councillor Hewitson left the meeting at 9.52pm returning at 9.53pm during discussion on the above Item.

CONFIDENTIAL

ITEM 399

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – ITEM 398 –
REVOCATION OF COMMUNITY LAND CLASSIFICATION AND PROPOSED
DISPOSAL OF LAND – MALVERN**

MOVED Councillor Palmer
SECONDED Councillor Lapidge

That:

1. The report be received.
2. Pursuant to Section 91(7) and (3)(b) of the Local Government Act:
 - 2.1 The
 - ☒ Minutes
 - ☒ Reportremain confidential on the basis that the information contained in this report could confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, and
 - 2.2 the minutes and report will be kept confidential until the item is revoked by the Chief Executive Officer.

CARRIED

The doors to the Council Chambers were opened at 9.54pm.

ITEM 400

**CONFIDENTIALITY MOTION FOR ITEM 401 – REVOCATION OF COMMUNITY
LAND STATUS MYRTLE BANK**

MOVED Councillor Lapidge
SECONDED Councillor Boisvert

That:

1. Pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999 the Council orders the public be excluded, with the exception of the following:

Mr P Tsokas, Chief Executive Officer
Mr D Litchfield, General Manager Economic Development & Planning
Mr J Devine, General Manager Assets and Environment
Ms M Berghuis, General Manager Community
Ms R Wilson, Group Manager Governance
Ms C Gowland, Executive Assistant to CEO and Mayor
Mr A Johns, Manager Property Assets

on the basis that it will receive and consider the report on the status of Council land, and that the Council is satisfied that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

- (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.

It would be in the best interest of Council to consider this matter in confidence.

CARRIED

The doors to the Council Chambers were closed at 9.55pm.

CONFIDENTIAL

ITEM 402

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 401 –
REVOCATION OF COMMUNITY LAND STATUS – MYRTLE BANK**

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.
2. Pursuant to Section 91(7) and (3)(b) of the Local Government Act:

2.1 The

- ☒ Minutes
- ☒ Report
- ☒ Attachments

remain confidential on the basis that the information contained in this report could confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, and

- 2.2 the minutes, report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were opened at 9.57pm.

NEXT MEETING

Tuesday 29 March 2016 – 7.00pm

CLOSURE

The Presiding Member closed the meeting at 9.58pm.

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PRESIDING MEMBER

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