

COUNCIL MEETING

**Minutes of the Corporation of the City of Unley
Held on Monday 27 May 2013 at 7.00 pm
in the Civic Centre
181 Unley Road Unley**

PRESENT

Mayor Lachlan Clyne (Presiding Member)	
Councillors J Koumi	M Hudson
	M Saies
J Boisvert	D Palmer
A Lapidge	P Hughes
D Tipper	R Schnell
R Salaman	M Hewitson

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager Economic Development & Planning, Mr D Litchfield
General Manager Community, Ms M Berghuis
General Manager People & Governance, Mr S Faulkner
General Manager Infrastructure & Assets, Mr J Devine
Manager Governance & Risk, Ms R Wilson
Executive Assistant to CEO, Ms C Gowland
Manager Community Development, Ms M Smith
Recreation & Open Space Coordinator, Mr J Wilkinson
Manager Community Services, Ms C Luya

ACKNOWLEDGEMENT

The Presiding Member opened the meeting with the Aboriginal 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 May 2013 meeting of the Unley City Council.

APOLOGIES:

Councillor Sangster

CONFLICT OF INTEREST

Councillor Saies declared a conflict of interest in Item 748 – Community and Culture Committee minutes – Item 3 – Community, Cultural, Recreation and Environment Grant Funding.

ITEM 744

CONFIRMATION OF MINUTES

MOVED Councillor Palmer
SECONDED Councillor Boisvert

The minutes of the Council Meeting held on Monday 22 April 2013, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 745

CONFIRMATION OF MINUTES SPECIAL COUNCIL

MOVED Councillor Lapidge
SECONDED Councillor Salaman

That:

The minutes of the Special Council Meeting held on Wednesday 8 May 2013, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

PETITION

Nil

PRESENTATION

Nil

The Presiding Member suggested Items 755, 756, 757 be moved forward in the Agenda to allow deputations/representations to be made, and the relevant matters to be considered.

This was agreed with a two thirds majority.

DEPUTATION

Ms Michelle Jarldorn – Convenor, Kirinari School, made a deputation to the Council in relation to Item 755.

Ms Gilda Ayerst – Member of Management Committee, Kirinari School, made a deputation to the Council in relation to Item 755.

ITEM 755

USE OF 41 OXFORD TERRACE BY THE KIRINARI COMMUNITY SCHOOL

MOVED Councillor Boisvert
SECONDED Councillor Hudson

That:

1. The report be received.
2. Council continue to explore the future use of 41 Oxford Terrace in the context of options for 39 Oxford Terrace and the Master Plans for Unley Oval and Unley Central, and that Council offer a short term lease effective 1 August 2013, until the end of the 2014 school year, on 41 Oxford Terrace to Kirinari School at a discounted community rate to be agreed.
3. A report be presented to the July 2013 Council meeting outlining the proposed lease agreement following discussions with Kirinari Community School.

CARRIED UNANIMOUSLY

ITEM 756

URBAN MYTH THEATRE COMPANY LOAN REQUEST

Mr Chris Krotiris, Treasurer, Urban Myth Theatre Company, made a presentation to the Council prior to the discussion.

MOVED Councillor Hughes
SECONDED Councillor Saies

That:

1. The report be received.
2. An interest free loan for the amount of \$30,000 be provided to the Urban Myth Theatre Company, to be repaid over a five-year period.
3. The Urban Myth Theatre Company be formally advised of Council's decision to provide them with an interest free loan.

CARRIED UNANIMOUSLY

ITEM 757

LEASE OF PART 1 CURZON AVENUE MILLSWOOD TO GOODWOOD CRICKET CLUB

Mr Jeffrey Emmel, President of the Goodwood Cricket Club, made a representation to the Council in relation to this Item.

MOVED Councillor Palmer
SECONDED Councillor Boisvert

That:

1. The report be received.
2. Attachment 1 to Item 757/13 be endorsed for the purposes of community consultation on a new lease agreement for the Goodwood Cricket Club.

CARRIED UNANIMOUSLY

ITEM 746

INFRASTRUCTURE AND CAPITAL PROJECTS COMMITTEE

MOVED Councillor Boisvert
SECONDED Councillor Koumi

That:

1. The minutes of the Infrastructure and Capital Projects Committee meeting held on Monday 29 April 2013, be received.
2. The recommendations listed under:

Item 3

Community Asset Review (CAR)

be adopted.

3. The following item be reserved:

Item 4

Asset Hierarchy

Reserved by Councillor Hudson

CARRIED UNANIMOUSLY

ITEM 4

ASSET HIERARCHY

MOVED Councillor Boisvert
SECONDED Councillor Koumi

That:

1. The report be received.
2. Continue to explore the development of an asset hierarchy based on the desired standard of service experience.

CARRIED UNANIMOUSLY

ITEM 747
AUDIT AND GOVERNANCE COMMITTEE

MOVED Councillor Saies
SECONDED Councillor Tipper

That:

1. The minutes of the Audit and Governance Committee held on Tuesday 30 April 2013, be received.

2. The recommendations listed under

Item 61
External Audit Services

Item 62
2013-14 Draft Annual Business Plan and Budget

Item 63
Correspondence

Item 64
Other Business

be adopted.

CARRIED UNANIMOUSLY

ITEM 748
COMMUNITY AND CULTURE COMMITTEE

MOVED Councillor Hughes
SECONDED Councillor Saies

That:

1. The minutes of the Community and Culture Committee held on Monday 13 May 2013, be received.

2. The comment listed under:

Item 4
Other Business

be noted.

3. The following items be reserved:

Item 3
Community, Cultural, Recreation and Environment Grant Funding

Item 5
Motion Without Notice re Ageing/Age Friendly Projects

Reserved by Councillor Hudson.

CARRIED UNANIMOUSLY

ITEM 3

COMMUNITY, CULTURAL, RECREATION AND ENVIRONMENT GRANT FUNDING

Councillor Saies declared a conflict of interest in this Item, regarding Sturt Football Club grant, as he will be doing some compering for them, and left the meeting at 8.54pm.

MOVED Councillor Hughes
SECONDED Councillor Boisvert

That:

1. The report be received.
2. Community Grants as detailed in Attachment 1 to Item 3/13 be funded.
3. Festivals and Events as detailed in Attachment 1 to Item 3/13 be funded.
4. The applicants be notified of the outcome of the Council's decision.

Councillor Hudson MOVED as an AMENDMENT, SECONDED Councillor Hewitson, that:

1. The report be received.
2. The Community Grants as detailed in Attachment 1 to Item 3/13 be funded, with the exclusion of \$1,000 for St Spyridon's Bain Marie and with the exclusion of \$3,960 for Broughton Arts Society Inc CraftworX program.
3. The Festivals and Events as detailed in Attachment 1 to Item 3/13 be funded, with the exclusion of \$1,500 for St Spyridon's Community Fair, and with the exclusion of \$1,500 for Broughton Arts Society Inc ArtsworX program
4. The applicants be notified of the outcome of the Council's decision.

The AMENDMENT was put and **LOST**

The MOTION was put and declared **CARRIED**

A Division was called and the previous decision set aside.

DIVISION

Those voting in the affirmative:

Councillors Tipper, Boisvert, Lapidge, Koumi, Schnell, Palmer, Hughes and Hewitson

Those voting in the negative:

Councillors Salaman and Hudson.

The MOTION was then declared **CARRIED**

Councillor Palmer left the meeting at 9.11pm returning at 9.13pm during discussion on the above Item.

Councillor Salaman left the meeting at 9.16pm returning at 9.17pm during discussion on the above Item.

Councillor Saies returned to the meeting at 9.24pm after discussion on the above Item.

ITEM 5

MOTION WITHOUT NOTICE RE AGEING/AGE FRIENDLY PROJECTS

MOVED Councillor Hughes
SECONDED Councillor Saies

That the following projects

- Mobility Device Charging Stations
- Community Supporting Community Project
- Mobility Map

listed in the Ageing/Age Friendly Projects document (as attached) be recommended for consideration by Council.

The above Item was Reserved by Councillor Hudson.

Councillor Salaman moved as an AMENDMENT

That the following projects

- Mobility Device Charging Stations
- Community Supporting Community Project
- Mobility Map

listed in the Ageing/Age Friendly Projects document (as attached) be recommended for consideration by Council.

The AMENDMENT LAPSED for want of a seconder.

The MOTION was put and **CARRIED**

The Presiding Member advised that the following Item should be moved to the end of the Agenda, as it contains a confidential item.
This was agreed with a two thirds majority.

ITEM 749
CEO PERFORMANCE REVIEW COMMITTEE

See page 29 of these Minutes.

ITEM 750
DEVELOPMENT STRATEGY AND POLICY COMMITTEE

MOVED Councillor Hewitson
SECONDED Councillor Lapidge

That:

1. The minutes of the Development Strategy and Policy Committee held on Wednesday 22 May 2013, be received.

CARRIED

Councillor Boisvert left the meeting at 9.53pm returning at 9.54pm during discussion on the above Item.

RECOMMENDATIONS ADOPTED EN BLOC

MOVED Councillor Schnell
SECONDED Councillor Hughes

That Items 751 – 753 inclusive, be adopted en bloc.

ITEM 751
MAYOR'S REPORT

That:

1. The report be received.

ITEM 752
DEPUTY MAYOR'S REPORT

That:

1. The report be received.

ITEM 753
CHIEF EXECUTIVE OFFICER'S REPORT

That:

1. The report be received.

CARRIED

ITEM 754
REPORTS OF MEMBERS

- (a) Items of particular interest, concern or urgency

Councillor Saies – Referendum for Constitutional Recognition – we need to think how to promote, more than the LGA, otherwise it may not get the attention it deserves.

Councillor Hudson – Asked for clarification when there is a conflict of interest for Elected Members.

- (b) Centennial Park Cemetery Authority

Councillor Lapidge provided Members with an update on Centennial Park Cemetery Authority Board meeting.

- (c) Development Matters

Nil

Councillor Hudson left the meeting at 9.58pm returning at 9.59pm during the above Item.

PERSONAL STATEMENT

With fifty percent of the Council in agreement, the Presiding Member granted Councillor Schnell permission to read a personal statement regarding a Conflict of Interest. Copy attached.

ITEM 755
USE OF 41 OXFORD TERRACE BY THE KIRINARI COMMUNITY SCHOOL

See page 3 of these Minutes.

ITEM 756

URBAN MYTH THEATRE COMPANY LOAN REQUEST

See page 4 of these Minutes.

ITEM 757

LEASE OF PART 1 CURZON AVENUE MILLSWOOD TO GOODWOOD CRICKET CLUB

See page 4 of these Minutes.

ITEM 758

LEASE OF UNLEY OVAL TO STURT FOOTBALL CLUB FOR TRAINING ACTIVITIES

MOVED Councillor Lapidge
SECONDED Councillor Palmer

That:

1. The report be received.
2. Attachment 1 to Item 758/13 be endorsed for the purposes of community consultation on a new lease agreement for Sturt Football Club to undertake football training activities at Unley Oval, Unley.

CARRIED UNANIMOUSLY

ITEM 759

CLIMATE CHANGE REGIONAL PLANNING

MOVED Councillor Boisvert
SECONDED Councillor Hewitson

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 760

DELEGATIONS - SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

MOVED Councillor Saies

SECONDED Councillor Boisvert

That:

1. The report be received.
2. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the South Australian Public Health Act 2011 and specified in the proposed Instrument of Delegation contained in Appendix 1 of this report are hereby delegated this 27th day of May 2013 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in such proposed Instrument of Delegation.
3. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless indicated herein or in the Schedule of Conditions contained in such proposed Instrument of Delegation.

CARRIED UNANIMOUSLY

ITEM 761

DELEGATIONS – SAFE DRINKING WATER ACT 2011

MOVED Councillor Schnell

SECONDED Councillor Palmer

1. The report be received.
2. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Safe Drinking Water Act 2011 and specified in the proposed Instrument of Delegation contained in Appendix 1 of this report are hereby delegated this 27th day of May 2013 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in such proposed Instrument of Delegation.

CARRIED UNANIMOUSLY

ITEM 762

**STATE GOVERNMENT PLANNING REFORM REFERENCE GROUP –
NOMINATIONS**

MOVED Councillor Lapidge
SECONDED Councillor Koumi

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 763

SWIMMING POOL SAFETY DISCUSSION PAPER

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.
2. A submission be made to the Department for Planning Transport and Infrastructure regarding possible legislative amendments to swimming pool safety requesting consideration be given to the following matters:
 - The introduction of mandatory regular inspections by councils of pools and associated safety arrangements must be met by an appropriate fee structure to enable councils to meet all reasonable costs associated with additional inspections or other requirements imposed by the changes.
 - The provision for private certifiers or other consultants with the ability to issue certificates of compliance (or similar) in relation to pool safety must include requirements that establish minimum qualifications, on-going training, registration, auditing and disciplinary measures to ensure the certifiers are subject to adequate scrutiny and control.
 - The current confusion regarding the the rules for child safety barriers applicable to a swimming pools is addressed by requiring all swimming pools be upgraded to current standards within a prescribed period.
 - There is provisions for adequate cost recovery by Councils.

CARRIED UNANIMOUSLY

Councillor Tipper left the meeting at 10.11pm after discussion on the above Item.

RECOMMENDATIONS ADOPTED EN BLOC

MOVED Councillor Hewitson
SECONDED Councillor Hughes

That Items 764 – 766 inclusive, be adopted en bloc.

ITEM 764 **END OF MONTH FINANCIAL REPORT**

That:

1. The report be received.

ITEM 765 **COUNCIL'S CONTRIBUTION TO THE ADELAIDE AND MOUNT LOFTY RANGES** **NRM REGION**

That:

1. The report be received.

ITEM 766 **COUNCIL ACTION RECORDS**

That:

1. The report be received.

CARRIED

ITEM 767

QUESTION ON NOTICE FROM COUNCILLOR BOISVERT RE DPTI

At the March 2013 meeting of Council Councillor Boisvert asked the following Questions on Notice.

The answer to Question 2 was not provided at the meeting and is provided hereunder.

Questions

1. **Will DPTI be providing sound mitigation for residents around the rail project?**

Answer provided on 25 March 2013.

2. **Questions asked at a recent meeting with DPTI representatives – still waiting for response.**

Legal advice was sought and a copy of the response sent to DPTI is below:

"I refer to your email to Councillor Jennie Boisvert of 22 February 2013 which Cr Boisvert has sent to me.

I am writing to clarify the issues raised by Cr Boisvert in her email to you which led to your response on 22 February.

Your statements regarding implications for Council projects in the future suggest that there is some misunderstanding regarding the issue of sound mitigation raised by Cr Boisvert on behalf of the relevant residents. I understand that there is acceptance that some sound mitigation works will need to be undertaken in relation to noise post construction. The question that has been raised is why the sound mitigation works cannot occur sooner rather than later. That is, if there is to be sound mitigation works in relation to noise that will be experienced after construction has ceased, it would be helpful if those works could occur as soon as possible rather than waiting for construction to cease.

Accordingly, we do not consider that your comments regarding a precedent being created which may impact future Council works is relevant as the issue relates to post construction noise.

I trust this clarifies the issue as raised by Cr Boisvert in her email to you and I would be happy to discuss this further."

ITEM 768

**QUESTION ON NOTICE FROM COUNCILLOR HEWITSON RE PEDESTRIAN/
CYCLE PATHS**

The following Questions on Notice have been received from Councillor Hewitson and the answers are provided:

Questions

1. **With good pedestrian and cycle path from Fisher Street to King William Road across the lights at Culvert Street and Unley Road, would the Administration be able to provide a report on linking Simpson Parade to Trevelyan Street, Bendall Street, to enable the path to connect up to the tramline paths and the Showgrounds, via Le Hunte?**

Answer

Yes. The request has been recorded in the Traffic and Parking Investigation Schedule (Ref T100). Subject to prioritisation of the other requests, the Administration will investigate the 'linking' opportunities for cyclists between Simpson Parade to Trevelyan Street, Bendall Street, with an aim to provide a report to full Council at the August 2013 meeting.

2. **Following a walk around Goodwood Rail Station, can Unley Council encourage and support any proposal to take the pedestrian/cycle path over the station along the Glenelg Tramline overpass?**

Answer

The City of Unley supports and encourages proposals that will improve cyclists/pedestrian safety. The Department Planning, Transport and Infrastructure is currently considering cyclists/pedestrian crossing options over the rail corridor in the vicinity of Goodwood Station, and Administration is keeping abreast of these investigations.

Councillor Tipper returned to the meeting at 10.14pm after the above Item.

ITEM 769
QUESTIONS WITHOUT NOTICE

Councillor Boisvert asked how many people had received parking fines around Grantly, Arundel and Cranbrook Avenue, Goodwood. DPTI had put up their own signs.

Councillor Hudson asked if the NRM levy had been budgeted for.

ITEM 770
CORRESPONDENCE

The correspondence from

- Hon Tom Koutsantonis MP
- Local Government Association of SA
- Australian Local Government Association

be noted.

ITEM 771
NOTICE OF MOTION FROM COUNCILLOR HEWITSON RE ANNUAL BUSINESS PLAN AND BUDGET

MOVED Councillor Hewitson
SECONDED Councillor Hughes

That before the development of the 2014-15 Annual Business Plan and Budget, the Unley Council provide a 'target' rate to guide Administration in the formulation of the 2014-15 Draft Operating Budget.

CARRIED

A Division was called and the previous decision set aside.

DIVISION

Those voting in the affirmative:

Councillors Lapidge, Koumi, Salaman, Hughes, Hudson and Hewitson

Those voting in the negative:

Councillors Tipper, Saies, Boisvert, Schnell and Palmer.

The MOTION was declared **CARRIED**

MOTIONS WITHOUT NOTICE

Nil

ITEM 772 **UNRESOLVED ITEMS**

Meeting Date	Item	Status
Council 22/3/10	Item 622 (UBED Item 46 Adjourned Debate – Item 46 – Unley Business and Economic Development Committee – Glen Osmond Road Separate Rate Negotiation. (copy attached)	The Item lie on the table.

EXTENSION TO MEETING TIME

The Presiding Member advised that the meeting should be extended for a further 30 minutes until 11.30pm to enable the Items on the Agenda to be completed.
This was agreed with a two thirds majority.

Councillor Saies left the meeting at 10.45pm returning at 10.46pm.

ITEM 773

CONFIDENTIALITY MOTION FOR ITEM 774 – 2014 SANTOS TOUR DOWN UNDER STAGE START

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. Pursuant to Section 90(2) and (3)(d) 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 and Planning
Mr S Faulkner, General Manager People and Governance
Ms M Berghuis, General Manager Community
Mr J Devine, General Manager Assets and Infrastructure
Ms R Wilson, Manager Governance and Risk
Ms C Gowland, Executive Assistant to CEO

on the basis that it will receive and consider the report on 2014 Santos Tour Down Under Stage Start 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:

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

because, all Santos Tour Down Under race information, including race routes, must remain confidential until it is officially released to the public by Events South Australia at the official Santos Tour Down Under launch. Disclosure of this information would be contrary to the public interest.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were closed at 10.45pm.

ITEM 775

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – FOR ITEM 774
2014 SANTOS TOUR DOWN UNDER STAGE START

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.
2. Pursuant to Section 91(7) and (9) of the Local Government Act:

2.1 The

- ☒ Report
- ☒ Attachments
- ☒ Minutes

remain confidential on the basis that the information supplied is of a confidential nature and all Santos Tour Down Under race information, including race routes, must remain confidential until it is officially released to the public by Events South Australia at the official Santos Tour Down Under launch.

- 2.2 The 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 10.47pm.

ITEM 776

**CONFIDENTIALITY MOTION FOR ITEM 777 – POSSIBLE LAND ACQUISITION
OPPORTUNITY 19 – 21 KATHERINE STREET FULLARTON**

MOVED Councillor Schnell
SECONDED Councillor Koumi

That:

1. Pursuant to Section 90(2) and (3)(d) 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 and Planning
Mr S Faulkner, General Manager People and Governance
Ms M Berghuis, General Manager Community
Mr J Devine, General Manager Assets and Infrastructure
Ms R Wilson, Manager Governance and Risk
Ms C Gowland, Executive Assistant to CEO

on the basis that it will receive and consider the report on the possible land acquisition, Katherine Street Fullarton, 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:

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

because, information contained in this report may provide a competitive advantage. Disclosure of this information would be contrary to the public interest.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were closed at 10.48pm.

Councillor Hewitson left the meeting at 11.18pm returning at 11.19pm during discussion on the above Item.

Councillor Tipper left the meeting at 11.23pm.

ITEM 778

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – FOR ITEM 777
POSSIBLE LAND ACQUISITION OPPORTUNITY 19 – 21 KATHERINE STREET
FULLARTON

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.
2. Pursuant to Section 91(7) and (9) of the Local Government Act:

2.2 The

- ☒ Report
- ☒ Attachments
- ☒ Minutes

remain confidential on the basis that the information supplied could confer a commercial advantage on a third party, as the report contains information which may provide a competitive advantage, and

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

CARRIED

The doors to the Council Chambers were opened at 11.30pm.

Councillor Hewitson left the meeting at 11.30pm.

FURTHER EXTENSION TO MEETING TIME

The Presiding Member advised that the meeting should be extended for a further 20 minutes until 11.50pm to enable the Items on the Agenda to be completed. This was agreed with a two thirds majority.

ITEM 779

**CONFIDENTIALITY MOTION FOR ITEM 780 – CENTENNIAL PARK CEMETERY
AUTHORITY DRAFT OPERATING BUDGET FOR 2013-2014**

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. Pursuant to Section 90(2) and (3)(d) 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 and Planning
Mr S Faulkner, General Manager People and Governance
Ms M Berghuis, General Manager Community
Mr J Devine, General Manager Assets and Infrastructure
Ms R Wilson, Manager Governance and Risk
Ms C Gowland, Executive Assistant to CEO

on the basis that it will receive and consider the report on Centennial Park Cemetery Authority – Draft Operating Budget 2013-2014, 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:

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

because, Centennial Park Cemetery operates within a competitive environment, financial information contained in Attachment 2 of this report may provide a competitive advantage to one or more of Centennial Park's competitors. Disclosure of this information would be contrary to the public interest.

CARRIED UNANIMOUSLY

The doors to the Council Chambers were closed at 11.31pm.

ITEM 780

**CENTENNIAL PARK CEMETERY AUTHORITY – DRAFT OPERATING BUDGET
FOR 2013-2014**

MOVED Councillor Lapidge
SECONDED Councillor Hudson

That:

1. The report be received.
2. The Centennial Park Cemetery Authority's Draft Operating Budget 2013-2014 (Attachment 1 to Item 780/13) be endorsed.
3. The decision of Council be provided to the Chief Executive Officer of the Centennial Park Cemetery Authority.

CARRIED UNANIMOUSLY

ITEM 781

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – ITEM 779
CENTENNIAL PARK CEMETERY AUTHORITY – DRAFT OPERATING BUDGET
FOR 2013-2014**

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.
2. Pursuant to Section 91(7) and (9) of the Local Government Act:

2.1 ☒ Attachment 2

remain confidential on the basis that the information supplied could confer a commercial advantage on a third party, as the report contains information which may provide a competitive advantage to one or more of Centennial Park's competitors, and

- 2.2 Attachment 2 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 11.32pm.

ITEM 782

**CONFIDENTIALITY MOTION FOR ITEM 11 - CEO PERFORMANCE APPRAISAL
2013 – CONSIDERATION OF PROPOSALS FROM CONSULTANTS TO
CONDUCT CEO PERFORMANCE SURVEY**

MOVED Councillor Schnell

SECONDED Councillor Palmer

That:

1. Pursuant to Section 90(2) and (3)(d) 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

Ms C Gowland, Executive Assistant to CEO

on the basis that it will receive and consider the report on the CEO Performance Appraisal 2013 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:

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

because, information contained in this report relates quotations for supply of consultant's services to Council and should not be made available at this time. It would be in the best interest of Council to consider this matter in confidence.

The doors to the Council Chambers were closed at 11.32pm.

ITEM 749
CEO PERFORMANCE REVIEW COMMITTEE

MOVED Councillor Koumi
SECONDED Mayor Clyne

That:

1. The minutes of the CEO Performance Review Committee held on Thursday 16 May 2013, be received.

2. The recommendations listed under

Item 11

Confidential - CEO Performance Appraisal 2013 – Consideration of Proposals from Consultants to Conduct CEO Performance Survey

Item 12

Confidentiality Motion for Item 11

Item 13

Remain in Confidence – Item 11

be adopted.

3. The following Item be Reserved:

Item 14

Motion Without Notice re Proxy Member to CEO Performance Review Committee

Reserved by Councillor Boisvert

CARRIED UNANIMOUSLY

ITEM 783

CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE FOR ITEM 11 - CEO PERFORMANCE APPRAISAL 2013 – CONSIDERATION OF PROPOSALS FROM CONSULTANTS TO CONDUCT CEO PERFORMANCE SURVEY

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.
2. Pursuant to Section 91(7) and (9) of the Local Government Act:

2.3 The

- ☒ Report
- ☒ Attachments
- ☒ Minutes

remain confidential on the basis that the information supplied could confer a commercial advantage on a third party, as the report contains information regarding consultant's fees, and

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

CARRIED

ITEM 14

MOTION WITHOUT NOTICE RE PROXY MEMBER TO CEO PERFORMANCE REVIEW COMMITTEE

Reserved by Councillor Boisvert.

SUSPENSION OF STANDING ORDERS

The Presiding Member suggested a short term suspension of meeting procedures at 11.39pm to enable clarification of the recommendation in Item 14. This was agreed with a two thirds majority.

Standing orders suspended at 11.39pm
Standing orders resumed at 11.43pm.

MOVED Councillor Koumi
SECONDED Mayor Clyne

That:

1. The Terms of Reference for the CEO Performance Review Committee be amended to enable another Elected Member to step into the Committee, in the event of a standing member of the CEO Performance Review Committee being absent.
2. Councillor Schnell, as Deputy Mayor be appointed to the CEO Performance Review Committee in the event of the Mayor being absent.

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

1. The Terms of Reference for the CEO Performance Review Committee be amended to enable another Elected Member to step into the Committee, in the event of a standing member of the CEO Performance Review Committee being absent.
2. Councillor Schnell, as Deputy Mayor be appointed to the CEO Performance Review Committee in the event of the Mayor being absent.
3. Councillor Hughes be appointed as proxy member to the CEO Performance Review Committee in the event of Councillor Boisvert or Councillor Koumi being absent.

The AMENDMENT was put and **CARRIED UNANIMOUSLY**

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

CLOSURE

The Presiding Member closed the meeting at 11.45pm.

.....
PRESIDING MEMBER

.....

Projects re Ageing / Age-friendly

Project:	Description	Approx \$
Mobility Device Charging Stations	One year trial charging stations at Fullarton Park and Unley Community Centre for mobility aids such as Gophers. This includes installation of power-point in secure area and a charger used by most Gophers. This is an action in the DDA Action Plan.	\$4,500
Ipad Shopping program	One year trial shopping service for older residents using Ipads. This is a very cost effective way to facilitate shopping assistance for older residents, it is also much more convenient for residents who have mobility difficulties.	\$15,000
Shared Experiences project	This project involves a writer/poet working with socially isolated residents of aged care homes through the Community Visitors Scheme program to record and celebrate their stories and experiences.	\$6,700
Community Supporting Community Project	<p>This is a one year project to scope a model that would change how Council supports older people living in the community. It would look at empowering older people to help themselves and each-other through the investigation of 'time-banking' and the 'village network' models. The village network model is essentially about older people living in their own homes becoming members of a 'village' and helping each-other whilst still living at home (rather than moving into a retirement village). This would change the focus of council from providing services to facilitating supportive networks where people help each-other.</p> <p>This would explore a new model of aged care support and volunteering in preparation for the 'Baby Boomers'. This would also provide opportunities for intergenerational aspect reflective of age-friendly principles.</p> <p>This covers the cost of a 2 day per week Project Officer as well as any additional project costs.</p>	\$50,000
Nostalgic Celebration Event – 'times gone by'	A very special dinner dance event for older residents, especially for those who are socially isolated, to dress up, enjoy and reminisce.	\$5,000
Disability Access Bus	One bus replacement is due in 2013-2014, the bus Coordinator is currently investigating options for this new bus to enable people in wheelchairs and other mobility issues to have independent access – this is very expensive and will require extra funds.	up to \$50,000
Mobility Map	Develop an access/mobility map that includes information about accessible toilets, playgrounds, services, car parks and accessible business. This is an action in the DDA Action Plan.	\$8,000

Personal explanation

If you recall, at the Council meeting held on 25 February 2013 regarding agenda item 671(Wayville Station) I talked about a potential conflict of interest.

At the time, based on advice, I was of the view that there was not a conflict of interest for me in debating this particular item. I made that decision in good faith.

Since that Council meeting, I have taken further advice and I have come to the decision that I did in fact have a conflict of interest. The technicality or cause of conflict is not relevant.

With regard to the conflict of interest in the Wayville Station matter, I reiterate that the decision I took on 25 February 2013 was in good faith and conscience and I believed I acted in the best interest of Council.

I wish to clearly state that there was no personal gain or benefit, indirect or otherwise, for me in this matter that was before Council.

I immediately contacted the CEO and had a discussion. That was in mid-April.

I was unable to contact the Mayor because he was away, travelling overseas.

The CEO promptly arranged for one-on-one training for me the following week.

... this was with an external service provider and it was excellent.

I did not raise the matter at the April Council meeting ...

... because I did not want to bring the position of Presiding member into disrepute; I chaired that meeting.

I ask for Council's understanding of the situation.

I also encourage all Members to be ever vigilant about potential conflicts.

In my case, it has been a lesson well learnt.