

## **COUNCIL MEETING**

**Minutes of the Corporation of the City of Unley  
Held on Monday 23 November 2015 at 7.01pm  
Council Chambers,  
181 Unley Road Unley**

### **PRESENT**

Mayor Lachlan Clyne, Presiding Member

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

### **OFFICERS PRESENT**

Chief Executive Officer, Mr P Tsokas  
General Manager Assets & Environment, Mr J Devine  
General Manager Community, Ms M Berghuis  
General Manager Corporate Services, Mr S Faulkner  
Manager Governance & Risk, Ms R Wilson  
Executive Assistant to the CEO & Mayor, Ms C Gowland  
Manager Community Development, Ms M Smith  
Manager Property Assets, Mr A Johns  
Manager Transportation & Traffic, Mr S Gandhi  
Manager Development & Building, Mr P Weymouth

### **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 23 November 2015, meeting of the Unley City Council.

## **APOLOGIES**

Councillor John Koumi  
Councillor Mike Hudson

## **CONFLICT OF INTEREST**

Nil

## **ITEM 299**

### **CONFIRMATION OF MINUTES**

MOVED Councillor Palmer  
SECONDED Councillor Sangster

That:

1. The minutes of the Council Meeting held on Monday 26 October 2015, as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

## **DEFERRED / ADJOURNED ITEMS**

Nil

## **ITEM 300**

### **PETITION**

MOVED Councillor Schnell  
SECONDED Councillor Smolucha

That:

1. The petition be received.
2. The principal petitioner be notified that the petition has been received, but that Council does not intend to make further changes to the intersection.

**CARRIED UNANIMOUSLY**

## **PRESENTATION**

Nil

## **DEPUTATIONS**

Nil

## **ITEM 301**

### **CONFIRMATION OF INFRASTRUCTURE AND SUSTAINABILITY COMMITTEE MINUTES**

MOVED Councillor Hewitson

SECONDED Councillor Sangster

That:

1. The minutes of the Infrastructure and Sustainability Committee meeting held on Tuesday 3 November 2015, be received.
2. The recommendations listed under:

#### Item 7

Deferred Item 6 – 8 September 2015 – Review of Committee Terms of Reference

Copy of Terms of Reference handed to Members (Attached)

#### Item 8

Deferred Item 4 – 8 September 2015 – Second Tier Greening

#### Item 10

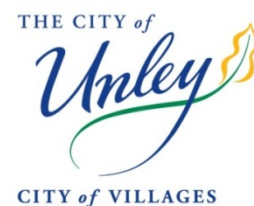
Motion on Notice – Open and Green Spaces

#### Item 9

Tree Strategy

Inclusive, be adopted.

**CARRIED**



## **INFRASTRUCTURE AND SUSTAINABILITY COMMITTEE**

### **TERMS OF REFERENCE**

#### **1. ESTABLISHMENT**

- 1.1. The Council has established the Infrastructure and Sustainability Committee (referred to in these Terms of Reference as "the Committee") pursuant to Section 41 of the *Local Government Act* 1999 ("the Act").
- 1.2. The Committee may be wound up at any time by resolution of the Council.
- 1.3. The Terms of Reference was adopted by Council on 27 January 2015 (C43/2015) and amended 23 March 2015 (C93/2015) and amended 23 November 2015.

#### **2. OBJECTIVES**

- 2.1 The Committee is established to make recommendations to Council on its infrastructure and assets strategy and projects throughout the Council area and provide advice to Council:
  - (a) on planning and management of Council owned assets and properties. In particular, asset categorisation and associated levels of service across all asset classes.
  - (b) in relation to major projects and capital programs being undertaken by Council.
  - (c) on a range of innovative or new approaches to the delivery of asset related services.
  - (d) in relation to the progress of the capital works program and any changes to the program.
  - (e) in relation to the implications for Council of major projects and initiatives being pursued by State Government and other key stakeholders in the City of Unley.
- 2.2 The Committee is established to make recommendations to Council on its environmental strategies and projects, and provide advice to Council including:
  - (a) Waste management initiatives or matters either associated with a contract, or other opportunities

- (b) Vegetation related matters, and in particular Council tree strategies and initiatives
- (c) Water strategies, and in particular objectives and initiatives related to stormwater capture and reuse
- (d) Energy strategies, objectives and priorities, whether related to buildings, lighting, swimming pool or other Council or community opportunities
- (e) Habitat related programs, initiatives or opportunities
- (f) Assisting the Council with ideas, initiatives and progress that enable the Community to become more sustainable through its own practices (such as growing some of their own food or using water more carefully etc).
- (g) Supporting Council on understanding and planning for climate change, including work relating to the Eastern Region of Councils and in particular the Resilient East project.

2.3 The Committee is established to make recommendations to Council on transport related matters, such as:

- (a) proposals that will enhance traffic management and road safety within the City of Unley.
- (b) Local Area Traffic Management studies and recommendations
- (c) initiatives that will encourage compliance of speed limits within the City of Unley.
- (d) proposals that will enhance traffic management and road safety within the City of Unley.
- (e) initiatives that will encourage compliance of speed limits within the City of Unley.

2.4 to do anything necessary, expedient or incidental to performing or discharging the functions of the Committee as listed herein or to achieving its objectives.

### 3. **MEMBERSHIP**

3.1. The Committee will comprise up to 8 members as follows:

- (a) Up to 4 independent members appointed by the Council;
- (b) 4 Elected Member(s) nominated by the Council;
- (c) The Mayor *ex officio*.

3.2. The independent members of the Committee should have expertise relevant to the subject matter of the Committee.

3.3. Criteria used to select independent representatives and group representatives will have regard to gender balance, youth and cultural representations and

seek to maintain and build upon a group voice that is broadly representative of the community.

- 3.4. The current members of the Committee are listed at Schedule 1 to these Terms of Reference.
- 3.5. Subject to clause 1.2 of these Terms of Reference, membership of the Committee is as listed on Schedule 1 *unless* a member resigns or is otherwise incapable of continuing as a member or is removed from office by the Council.
- 3.6. The Committee may, by a vote supported by at least half plus one of the members of the Committee, make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.
- 3.7. Members of the Committee are eligible for re-appointment at the expiration of their term of office.
- 3.8. The Committee may be re-established by the Council after each Council periodic election.
- 3.9. Council will determine the sitting fees for independent members for meetings attended.
- 3.10. In accordance with Division 2 of Part 4 of Chapter 5 of the "Act", all independent members of this section 41 Committee will be required to complete and submit primary and/or ordinary returns.

#### 4. **PRESIDING MEMBER**

- 4.1. The Council will appoint the Presiding Member of the Committee.
- 4.2. The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises, the Committee to make the appointment to that position for a term determined by the Committee.
- 4.3. If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.
- 4.4. The role of the Presiding Member includes:
  - 4.4.1 overseeing and facilitating the conduct of meetings in accordance with the *Local Government Act 1999, the Local Government (Procedures at Meetings) Regulations 2013*.
  - 4.4.2 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and

- 4.4.3 where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.

## **5. OPERATIONAL MATTERS**

- 5.1. The Council has not delegated any of its powers to the Committee. Accordingly, all decisions of the Committee constitute recommendations to the Council.
- 5.2. For the purposes of s41(8) of the Act, the Council's reporting and other accountability requirements are satisfied by the delivery of a copy of the minutes of each meeting of the Committee to each Elected Member of the Council and the inclusion of those minutes in the agenda papers for the next ordinary meeting of the Council.
- 5.3. The Committee shall meet on a bimonthly basis unless otherwise required.
- 5.4. If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorised to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting. Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council's website.
- 5.5. Notwithstanding paragraph 5.1 above, if the Committee so resolves, it may seek input from other Section 41 Committees of Council to assist the Committee in reaching a position to recommend to Council.
- 5.6. Notwithstanding paragraph 5.1 above, if the Committee so resolves, it may provide input to other Section 41 Committees of Council on relevant subject matter.

## **6. NOTICE OF MEETINGS**

- 6.1. Notice of the meetings of the Committee will be given in accordance with sections 87 and 88 of the Act. Accordingly, notice will be given:-
  - 6.1.1 to members of the Committee by email or as otherwise agreed by Committee members at least 3 clear days before the date of the meeting; and
  - 6.1.2 to the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

## **7. PUBLIC ACCESS TO MEETINGS**

- 7.1. The Committee shall meet at the Offices of the Council located at 181 Unley Road, Unley SA 5061.
- 7.2. Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

## 8. MEETING PROCEDURE

- 8.1. The Council has resolved to apply Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* to this Committee.
- 8.2. Insofar as the Act, the Regulations, the Code of Practice – Meeting Procedures or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 8.3. Subject to clause 8.4 of these Terms of Reference, all decisions of the Committee shall be made on the basis of a majority of the members present.
- 8.4. A quorum is ascertained by dividing the total number of Committee members by two, ignoring any fraction resulting from the division, and adding one.
- 8.5. If the Mayor attends a meeting of the Committee as ex-officio, the Mayor's attendance will be included in the calculation of quorum.
- 8.6. Any Elected Member who is not a member of the Committee is able to address members of the Committee and provide contribution at any Committee meeting of which they are not a member in accordance with the Code of Practice - Meeting Procedures, Clause 44.
- 8.7. All members of the Committee must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.
- 8.8. Every member of the Committee has a deliberative vote only. In the event of a tied vote the person presiding at the meeting does not have a second or casting vote.
- 8.9. The format of the agenda for all meetings of the Committee is as set out at Schedule 2 to these Terms of Reference.
- 8.10. The agenda and reports for all meetings of the Committee must be delivered to members of the Committee at least 3 clear days before the meeting.
- 8.11. Any decision of the Committee which does not arise from a recommendation of a Council officer must be supported in the minutes of the meeting by clear reasons for the decision.
- 8.12. The Council will provide a support officer for the purposes of co-ordination and preparation of agendas and reports for and minutes of Committee meetings and as a point of contact for all Committee members.

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Responsible Officer: General Manager Assets & Environment

Attendance by: Chief Executive Officer and Executive (as required)



**MEMBERSHIP**

1. Presiding Member: Cr Michael Hewitson
2. Members of the Committee:  
  
Cr Peter Hughes  
Cr Rob Sangster  
Cr Bob Schnell  
  
Independents  
  
Mr Gavin Brennan  
Mr Peter Croft  
Mr Rod Hook
3. Term: 2 years from date of appointment (unless such appointment is revoked by the Council).  
  
Councillors' term: 28 January 2015 until 28 January 2017.  
  
Independent Members: 24 March 2015 until 24 March 2017.
4. Sitting fees for independent members per meeting attended; \$300.

**NAME OF COMMITTEE**

**A G E N D A**

**Meeting to be held  
(Date and Time)  
Civic Centre  
181 Unley Road, Unley SA 5061**

**MEMBERS:**

Presiding Member  
Committee Members

**REPORT TO COUNCIL:**

**ACKNOWLEDGEMENT:** (Optional)

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

**APOLOGIES:**

**CONFIRMATION OF COMMITTEE MINUTES:**

**CONFLICT OF INTEREST:**

**DEPUTATIONS:**

**REPORTS OF OFFICERS:**

**ITEM NO.**

**NO:**

**PAGE**

1.

**OTHER BUSINESS**

**NEXT MEETING:**

**ITEM 302**

**CONFIRMATION COMMUNITY AND CULTURE COMMITTEE MINUTES**

MOVED Councillor Hughes  
SECONDED Councillor Rabbitt

That:

1. The minutes of the Community and Culture Committee meeting held on Wednesday, 11 November 2015, be received.
2. The recommendations listed under:

Item 9

Community Grant Funding Allocations – September 2015 Round

Item 10

Public Arts Strategy Update

Item 11

2016 Unley in Harmony Program

inclusive, be adopted.

**CARRIED UNANIMOUSLY**

**ITEM 303**

**CONFIRMATION OF DEVELOPMENT STRATEGY AND POLICY COMMITTEE  
MINUTES**

MOVED Councillor Palmer  
SECONDED Councillor Salaman

That:

1. The minutes of the Development Strategy and Policy meeting held on Monday 16 November 2015, be received.
2. The recommendations listed under:

Item 12

Planning Strategy and Policy Program Update

Item 13

Unley Central Development Plan Amendment – Stage 1 Review

Item 14

Development Strategy and Policy Committee Meeting Dates 2016

Inclusive, be adopted.

**CARRIED UNANIMOUSLY**

**ITEM 304****CLARENCE PARK COMMUNITY CENTRE PARTNERING AND MANAGEMENT AGREEMENT 2015 – 2018**

MOVED Councillor Boisvert  
SECONDED Councillor Palmer

That:

1. The report be received.
2. The Partnership and Management Agreements between the City of Unley and Clarence Park Community Centre Incorporated, as contained in Attachment 1 to Item 304/15, be endorsed.
3. The Chief Executive Officer be delegated to execute the Partnership and Management Agreements.

**CARRIED UNANIMOUSLY**

**ITEM 305****SHARED STREET CONCEPT – ANDERSON STREET FULLARTON**

It was agreed with a two thirds majority, that this item be moved to after Item 310 to allow time for Councillor Hudson to attend the meeting.

See page 17 of these Minutes.

**ITEM 306****CONSERVATION GRANTS**

MOVED Councillor Boisvert  
SECONDED Councillor Palmer

That:

1. The report be received.
2. The Conservation Grants be funded as detailed in Attachment 1 to Item 306/15 (pro rata allocation \$60,000)

**CARRIED UNANIMOUSLY**

**ITEM 307**

**BUILDING AND SWIMMING POOL INSPECTION POLICY REVIEW**

MOVED Councillor Schnell  
SECONDED Councillor Smolucha

That:

1. The report be received.
2. The updated "Building and Swimming Pool Inspection Policy" Attachment 1 to Item 307/15 be endorsed.

**CARRIED UNANIMOUSLY**

**ITEM 308\*\***

**LICENCE TO KIRINARI 41 OXFORD TERRACE UNLEY**

MOVED Councillor Hughes  
SECONDED Councillor Salaman

That:

1. The report be received.
2. A short-term Licence Agreement be negotiated with Kirinari School for shared access to 41 Oxford Terrace during the 2016 school year under the same Terms and Conditions as are currently in place and for an annual fee of \$2,450 plus GST.
3. Signage be erected providing details of public access times.
4. Council reaffirm its position to Kirinari that any licence agreement is only for a short term, pending outcomes of options associated with the Unley Central Precinct Project.

Councillor Lapidge MOVED as an AMENDMENT, SECONDED Councillor Schnell

That:

1. The report be received.
2. A short-term Licence Agreement be negotiated with Kirinari School for shared access to 41 Oxford Terrace during the 2016 school year under the same Terms and Conditions as are currently in place and for an annual fee of \$2,450 plus GST.
3. Signage be erected providing details of public access times.

4. Council reaffirm its position to Kirinari that any licence agreement is only for a short term, pending outcomes of options associated with the Unley Central Precinct Project and that any further improvements to the site be undertaken only after approval from Council.

The AMENDMENT was put and CARRIED UNANIMOUSLY

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

Councillor Boisvert left the meeting at 7.55pm after the above Item.

### **MOTIONS MOVED EN BLOC**

MOVED Councillor Palmer  
SECONDED Councillor Hughes

### **ITEM 309** **QUARTERLY PERFORMANCE REPORT**

That:

1. The report be received.

### **ITEM 310** **COUNCIL ACTION RECORDS**

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

### **ITEM 305** **SHARED STREET CONCEPT – ANDERSON STREET FULLARTON**

It was agreed with a two thirds majority, that this item be moved to before the confidential Items to allow time for Councillor Hudson to attend the meeting.

See page 17 of these Minutes.

### **QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

Councillor Boisvert returned to the Chambers at 7.57pm after the above Item.



**ITEM 326**  
**QUESTIONS WITHOUT NOTICE**

Councillor Rabbitt –

Council is currently seeking feedback on the proposed directions for the Unley Central Precinct (Consultation commencement date was 6 November).

1. When were Elected Members informed about the details of the letters to residents, the display material and dates of the survey, including the public sessions?
2. If they were not informed (other than those on the DSP or UBED Committees), why not?
3. What was the catchment area within which residents received direct notice of the survey?
4. Given that the Unley Central Precinct is the core of our City, other than via 'Your Say', to what extent has the existence of the survey been communicated to the broader community?
5. Why was the email notice of this consultation not sent to those registered with 'Your Say' until 16 November - 10 days after commencement of the consultation and only a few days prior to the public session days of 19 and 21 November?

These questions will be answered as Questions on Notice at the next meeting of the Council.

**MOTIONS MOVED EN BLOC**

MOVED Councillor Hughes  
SECONDED Councillor Palmer

**ITEM 311**  
**CORRESPONDENCE**

That:

The correspondence from

- Minister for Volunteers
- Dog and Cat Management Board

be noted.

**ITEM 312**  
**MAYOR'S REPORT**

That:

1. The report be received.

**ITEM 313**  
**DEPUTY MAYOR'S REPORT**

That:

1. The report be received.

**ITEM 314**  
**REPORTS OF MEMBERS**

That:

Council note the attached reports from Members

1. Councillor Michael Rabbitt
2. Councillor Don Palmer
3. Councillor Peter Hughes

**CARRIED UNANIMOUSLY**

**ITEM 315**  
**NOTICE OF MOTION FROM COUNCILLOR LAPIDGE RE MR BRYAN ELLIOTT,**  
**CENTENNIAL PARK CEMETERY AUTHORITY – APPRECIATION OF SERVICE**

MOVED Councillor Lapidge  
SECONDED Councillor Smolucha

That:

1. The City of Unley writes to Mr Bryan Elliott expressing its appreciation for his significant contributions over the last 12 years as the Chief Executive Officer of Centennial Park Cemetery Authority.

**CARRIED UNANIMOUSLY**

**ITEM 316**  
**NOTICE OF MOTION FROM COUNCILLOR BOISVERT RE PEDESTRIAN**  
**SAFETY ON SHARED PATHWAYS**

MOVED Councillor Boisvert  
SECONDED Councillor Palmer

That:

Owing to the inherent risks associated with cyclists and pedestrians travelling in the same direction on shared pathways, that Council ask Administration to write to DPTI requesting them to:

1. Investigate the risks associated with cyclists and pedestrians travelling along pathways in the same direction on the same side of the path;
2. Consider changing the laws to make it common practice to have contra flow lanes operating on shared pathways, with cyclists travelling on the left hand side and pedestrians the right hand side.

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

Owing to the perceived risks associated with cyclists and pedestrians travelling in the same direction on shared pathways, that Council ask Administration to write to DPTI requesting them to:

1. Investigate the risks associated with cyclists and pedestrians travelling along shared pathways in the same direction on the same side of the path;
2. Consider whether there is a need to change the laws to make it common practice to have contra flow lanes operating on shared pathways, with cyclists travelling on the left hand side and pedestrians the right hand side.

The AMENDMENT was put and CARRIED

The AMENDMENT becomes the MOTION and is **CARRIED**

## **DIVISION**

A Division was called and the previous decision set aside.

Those voting in the affirmative:

Councillors Smolucha, Palmer, Boisvert, Salaman, Hewitson, Hughes, Lapidge, Sangster and Rabbitt.

Those voting in the negative:

Councillor Schnell.

The MOTION was declared **CARRIED**

**ITEM 326**  
**MOTIONS WITHOUT NOTICE**

MOVED Councillor Boisvert

That Council write to the Australian Rail Track Corporation and express its dismay at the closure of the foot track that links Millswood Crescent / Arundal Avenue to the Millswood Station without consultation with residents.

Consultation occur immediately and the foot track be re-opened, until at least the outcome of the consultation is known.

The Presiding Member would not accept the Motion in its current form.

This Motion Without Notice will become a Motion on Notice at the next meeting of Council.

Councillor Hughes left the meeting at 8.35pm, returning at 8.37pm during discussion on the above Item.

**ITEM 305**  
**SHARED STREET CONCEPT – ANDERSON STREET FULLARTON**

**FORMAL MOTION**

MOVED Councillor Palmer  
SECONDED Councillor Sangster

That the Item be deferred until the next meeting of Council.

**LOST**

MOVED Councillor Hewitson  
SECONDED Councillor Salaman

That:

1. The report be received.
2. The Anderson Street residents be advised that the proposal to construct shared street infrastructure will be considered by Council in the 2016/17 budget deliberations, and if included in the budget, further consultation will occur with local residents.
3. Residents of Anderson and Dawson Streets be informed accordingly.

**CARRIED UNANIMOUSLY**

Councillor Salaman left the meeting at 8.49pm returning at 8.50pm.

**ITEM 317**

**CONFIDENTIALITY MOTION FOR ITEM 318 – GOODWOOD COMMUNITY CENTRE FUTURE LEASE ARRANGEMENT**

MOVED Councillor Schnell  
SECONDED Councillor Palmer

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  
Ms M Berghuis, General Manager Community  
Mr J Devine, General Manager Assets and Environment  
Mr S Faulkner, General Manager Corporate Services  
Mr D Litchfield, General Manager Economic Development and Planning  
Ms R Wilson, Manager Governance and Risk  
Ms M Smith, General Manager Community  
Mr A Johns, Manager Property Assets  
Ms C Gowland, Executive Assistant to CEO and Mayor

on the basis that it will receive and consider the report on the Lease of Council property 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
- because 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 8.49pm.

# CONFIDENTIAL

## ITEM 318

### GOODWOOD COMMUNITY CENTRE FUTURE LEASE ARRANGEMENTS

**ITEM 319**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – ITEM 318 –  
GOODWOOD COMMUNITY CENTRE FUTURE LEASE ARRANGEMENT**

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 1999*:

2.1 The

- ☒ Minutes
- ☒ Report

remain confidential on the basis that the information contained in this report details information which 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 UNANIMOUSLY**

The doors to the Council Chambers were opened at 9.11pm.

**ITEM 320**

**CONFIDENTIALITY MOTION FOR ITEM 321 – CENTENNIAL PARK CEMETERY  
AUTHORITY QUARTERLY PROGRESS REPORT**

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 & Planning  
Mr J Devine, General Manager Assets and Environment  
Mr S Faulkner, General Manager Corporate Services  
Ms M Berghuis, General Manager Community  
Ms R Wilson, Manager Governance and Risk  
Ms C Gowland, Executive Assistant to CEO and Mayor

on the basis that it will receive and consider the quarterly progress report on Centennial Park Cemetery Authority, 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.

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 9.11pm.



**ITEM 321**  
**CENTENNIAL PARK CEMETERY AUTHORITY QUARTERLY PROGRESS**  
**REPORT**

MOVED Councillor Lapidge  
SECONDED Councillor Smolucha

That:

1. The report be received.

**CARRIED UNANIMOUSLY**

**ITEM 322**  
**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – ITEM 321 –**  
**CENTENNIAL PARK CEMETERY AUTHORITY QUARTERLY PROGRESS**  
**REPORT**

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

☒ Attachments

remain confidential on the basis that the information contained in this report could prejudice the commercial position of the person who supplied the information, or confer a commercial advantage on a third party; and

- 2.2 the 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 9.14pm.

**ITEM 323**

**CONFIDENTIALITY MOTION FOR ITEM 324 – DAMAGE TO FLOODED GUM**

MOVED Councillor Schnell

SECONDED Councillor Salaman

That:

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

Mr S Faulkner, General Manager Corporate Services

Ms M Berghuis, General Manager Community

Ms R Wilson, Manager Governance and Risk

Ms C Gowland, Executive Assistant to CEO and Mayor

on the basis that it will receive and consider a report on trees, 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:

- (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.

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 9.14pm.

# CONFIDENTIAL

## ITEM 324 DAMAGE TO FLOODED GUM

**ITEM 325**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE – ITEM 324 –  
DAMAGE TO FLOODED GUM**

MOVED Councillor Schnell  
SECONDED Councillor Sangster

That:

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

2.2 The

☒ Minutes

☒ Report

remain confidential on the basis that the information contained in this report contains information which could reasonably be expected to prejudice the maintenance of law, and

- 2.2 the minutes and report 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 9.26pm.

**ITEM 326**

**QUESTIONS WITHOUT NOTICE**

See page 14 of these Minutes.

**ITEM 327**

**MOTION WITHOUT NOTICE**

See page 17 of these Minutes.

## **NEXT MEETING**

Monday 14 December 2015 – 7.00pm.

## **CLOSURE**

The Presiding Member closed the meeting at 9.26pm.

.....  
**PRESIDING MEMBER**

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