
City of Onkaparinga
Minutes of the Council meeting
held on 21 January 2020

Venue: Council Chamber, Civic Centre
Ramsay Place, Noarlunga Centre

Meeting commenced: 6.30pm

Present: Mayor Thompson
Cr Bray
Cr Brown (left 9.03pm)
Cr Cowan
Cr de Graaf (left 9.19pm)
Cr Eaton
Cr Greaves
Cr Jamieson
Cr McMahon
Cr O'Brien
Cr Olsen (6.42pm)
Cr Themeliotis

Apologies: Cr Peat

Leave of absence: Nil

Absent: Nil

Pledge:

We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future well-being of those we serve.

1. Opening of meeting

Mayor Thompson officially declared the meeting open at 6.30pm.

Cr Themeliotis read the pledge.

2. Confirmation of minutes

Cr O'Brien MOVED that the minutes of the proceedings of the Council meeting held on 10 December 2019 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr Eaton.

CARRIED

3. Adjourned business

Nil.

4. Leave of absence

Nil.

5. Mayor's Communication

5.1 Mayor's Report

Happy New Year and welcome back to what I am sure will be a very exciting year ahead.

Fire response

We have been closely monitoring recent fire events and have been in communication with Adelaide Hills and Kangaroos Island Councils in recent weeks. We are responding to a request for support to Kangaroo Island to assist with the fire recovery by sending staff and equipment.

Six specialist City of Onkaparinga staff, a loader and tower tree truck have been sent to Kangaroo Island. They will join other Councils and organisations assisting the fire recovery effort.

As you would appreciate the circumstances and needs are evolving and we're continuing to monitor this in liaison with the LGA and impacted Councils.

With the bushfire crisis continuing, I've turned my mind to what more could we do.

I am aware that the organisation has an administrative procedure that covers how our staff can participate in emergency service volunteering roles during working hours.

At this time, staff are only able to access paid emergency services leave above other leave entitlements for a formal emergency service volunteering duty where the incident or emergency is within the City of Onkaparinga, Yankalilla, Alexandrina and Victor Harbor councils or within the bounds of Southern Adelaide Emergency Management zone.

Staff who participate in emergency service volunteering activities intrastate and interstate are required to access leave entitlements such as TOIL, annual leave or long service leave. In addition, the Enterprise Agreement also allows for 5 days of unpaid leave per calendar year for volunteer activities for employees involved in formal volunteering arrangements.

During this review, I would like the CEO to consider whether we are doing all that we can to support staff in paid leave during declared emergency's beyond the paid leave already available.

Our thoughts go out to all those impacted by these fires.

On behalf of myself and the City of Onkaparinga, I wish to thank all of our emergency services, fire fighters and volunteers for your courage, commitment and bravery while keeping us safe.

We are deeply grateful and appreciative for the time you spend away from your families and the personal risks that you take to protect others.

Thank you for your service.

I also wish to thank the thousands of people in our community and across the world who have generously donated their time, goods, and money to help provide the assistance that is needed through this tough time for our country.

How to help communities affected by fires

We've received lots of enquires from people wanting to know how they can help communities affected by the recent bushfires. Here's what you can do:

FINANCIAL DONATIONS

The best thing you can do to assist is to make a financial donation to Vinnies. Vinnies are coordinating all donations for the SA Bushfire appeal and you can find out more on their website www.vinnies.org.au

VOLUNTEERING YOUR TIME

If you wish to volunteer your time to help out, you can register through Volunteering SA&NT – they have an app (WeDo app) or you can visit the spontaneous emergency volunteering section on their website www.volunteeringsa-nt.org.au

PLEASE DON'T DONATE GOODS

Donating goods is NOT encouraged because they might not reflect what people need right now. The donation of goods can also cause administrative challenges regarding storage, distribution and disposal.

Thanks to everyone for being so compassionate towards people in need. It makes me proud to live in Onkaparinga.

System outage update

City of Onkaparinga's computer systems are close to being fully operational following an IT systems outage that that occurred in December due to a computer virus experienced recently by government agencies around the world.

A number of services across council, including online payments and bookings, were affected, but most are now up and running.

We've been providing regular updates to our residents re: affected services via our website (onkaparingacity.com) and Facebook page since the incident began, so we'd encourage residents to check in there for the most up-to-date information.

Ombudsman's report into corporate purchase card expenditure.

In December 2019, a report was released by the Ombudsman regarding council's corporate purchase card expenditure during 2014-16.

The complete report and it's findings can be found on The Ombudsman's website www.ombudsman.sa.gov.au

The purchases highlighted as inappropriate by the Ombudsman should not have been made at the expense of ratepayers and he has advised that improvements were necessary to our policies and procedures.

We acknowledge and accept the Ombudsman's findings, we apologise for the past expenditure, we take responsibility for our actions, and we have taken steps to address the issues identified.

When I was appointed Mayor at the November 2018 elections, I sought information on the actions taken by the organisation to address these issues. There has been a comprehensive cultural and procedural change to the way the organisation manages this kind of expenditure.

Significant policy and guideline changes were made with input from our residents, the Local Government Association and our staff in April 2018. After 12 months of the guidelines being in place, we considered further feedback from staff and our audit committee, together with an audit conducted by an independent auditor. Their recommendations were approved by Council on 10 December. These guidelines set a new standard in Local Government regarding the governance over this kind of expenditure and we will continue to review and seek improvements.

The elected members and the council administration accept the Ombudsman's findings and we have adopted his recommendation to revise the wording in our procurement procedure.

The trust and confidence of our communities is of paramount importance to us. I've been working with the leadership team and my fellow elected members to shape a new way forward for the organisation in partnership with our communities. We are continuing to work hard to regain the trust of our communities and acknowledge that more transparent and accountable work practices are required to achieve that.

It's also important to note that the Ombudsman confirmed in his report that former Mayor Lorraine Rosenberg did not commit any maladministration in public administration.

The full media statement, including a description of the extensive steps council has taken to improve its practices and policies, can be found on our website:

www.onkaparingacity.com/Council/Media/Media-statement-Ombudsman-report

Cars on Beaches

On 3 July 2018, a report on the Sellicks Beach Bollard and Signage Installation was considered by Council. Council resolved that we would proceed with regulatory and educational signage upgrades, as well as a pedestrian access upgrade at Sellicks Beach. It was also resolved that staff monitor the beach for non-compliance for 18 months and bring back a report regarding compliance to Council for review.

Staff have been actively monitoring compliance over the past 18 months and a report regarding these results will be provided to Council in March 2020.

There has been considerable conversation in the community about cars on beaches of late. Please note that the City of Onkaparinga re-made its by-law in relation to vehicles on beaches in 2016 and while a report on compliance is due back in March, there are no current plans to review vehicle access, at least not before the by-law is due to expire, in January 2024.

Australia Day and Tour Down Under

We're looking forward to a big month in the Onkaparinga region, with our annual Australia Day Bush Fair, breakfasts and awards; and the final stage of the Santos Tour Down Under all happening in our city on Sunday 26 January.

The day will begin with the free Australia Day breakfasts being held at four locations around our city from 8am until 11am at Aldinga Beach – Symonds Reserve, Noarlunga Centre – Ramsay Place, Willunga – Bassett Street Reserve and at Aberfoyle park – Bob Such Reserve.

Then for the second year in a row we are hosting the thrilling final stage of the iconic cycling event, which kicks off in McLaren Vale at 10:40am.

Later in the afternoon I will be presenting the Australia Day Awards to local individuals and groups who have made outstanding contributions to our community followed by our Australia Day Citizenship Ceremony to be held at the South Adelaide Football Club.

For those looking to kick on, the family-friendly Australia Day Bush Fair kicks off at South Adelaide Football Club from 5:30pm, where people can enjoy kids activities, live music, food and drinks stalls and more, for just a gold coin entry fee.

For more details on our Australia Day events and the Santos Tour Down Under, visit onkaparingacity.com.

Correspondence received

The following correspondence is attached for your information:

Att 1	Mayor Kris Hanna, City of Marion	Proposed BMX Facility – O’Halloran Hill Recreation Park
Att 2	SA Council Alliance	Coastal Councils Alliance
Att 3	David Speirs MP Minister for Environment and Water	New metropolitan coast shellfish
Att 4	South Australian Murray- Darling Basin Natural Resources Management Board	Water Allocation Plan for the River Murray Prescribed Watercourse updated and a draft plan has been released for public consultation

Correspondence sent

The following correspondence is attached for your information:

Att 5	Hon. Michelle Lensink MLC Minister for Human Services	Support for Southern Domestic Violence Action Group
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Mayor's calendar

My activities between 11 December 2019 and 9 January 2020 are reflected in Attachment 6.

Thank you.



Erin Thompson

Mayor

MOVED Cr Bray.

1. *That Council note the 21 January 2020 Mayor's report.*
2. *That Council request that the Chief Executive Officer when reviewing the Emergency Services Leave procedure consider whether the current paid Emergency Service leave provisions are appropriate and consider whether these need to be broadened to include access to paid leave for all declared South Australian and interstate emergency incidents.*

Seconded by Cr de Graaf.

CARRIED

6. Presentations

6.1 2019 Audit, Risk, Value and Efficiency Committee Presiding Member's Report

David Powell, Presiding Member of the Audit, Risk, Value and Efficiency Committee presented the 2019 Presiding Member's Report.

7. Deputations

7.1 Pepper Tree Café – Kate Kelly

Withdrawn – moved to February Council meeting.

8. Presentation by Committee Chairpersons and reports to Council by Council Committees.

8.1 ICT Reform Project Steering Committee meeting minutes of 9 December 2019

Cr Olsen entered the meeting at 6.42pm.

MOVED Cr Jamieson.

That Council note the minutes of the ICT Reform Project Steering Committee meeting of 9 December 2019 as attached to the agenda report.

Seconded by Cr McMahon.

CARRIED

9. Reports of officers

9.1 Delegations Update

MOVED Cr Greaves.

1. *That, in accordance with section 44 of the Local Government Act 1999, Council hereby:*
 - a. *revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts, namely:*
 - *Local Government Act 2019 – section 302B repealed in consequence of commencement of the Public Interest Disclosure Act 2018*
 - *Planning, Development and Infrastructure Act 2016*
 - *State Records Act 1997*
 - b. *delegates from this day 21 January 2020 to the person occupying the office of Chief Executive Officer ('the Delegate') and to any person acting in that office, subject to the conditions and or limitations specified in the Instruments of Delegation (as per Attachments 1 and 2 to the agenda report), those powers and functions under the following Acts, namely:*
 - *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (Attachment 1 to the agenda report)*
 - *State Records Act 1997 (Attachment 2 to the agenda report)*
2. *That 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, and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation under the above Acts.*

Delegations under the Development Act 1993

3. *That, in exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, Council hereby delegates from this day 21 January 2020 to the person occupying the office of Chief Executive Officer ('the Delegate') and to any person acting in that office, subject to the conditions and or limitations specified in the Instrument of Delegation (as per Attachment 3 to the agenda report), the powers and functions under the Development (Waste Reform) Variation Regulations 2019.*

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or contained in the Instrument of Delegation under the Development (Waste Reform) Variation Regulations 2019.

Delegations under the Planning, Development and Infrastructure Act 2016 – Powers of Council as a Council, Designated Authority and Designated Entity

4. *That, in exercise of the power contained in Section 44 of the Local Government Act 1999, Council hereby delegates from this day 21 January 2020 to the person occupying the office of Chief Executive Officer ('the Delegate') and to any person acting in that office, subject to the conditions and or limitations specified in the Instrument of Delegation (as per Attachment 4 to the agenda*

report), the powers and functions under the Planning, Development and Infrastructure Act 2016.

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 otherwise indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the Planning, Development and Infrastructure Act 2016.

Delegations under the Planning, Development and Infrastructure Act 2016 – Powers of Council as a Relevant Authority

5. *That, in exercise of the power contained in Section 100 of the Planning Development and Infrastructure Act 2016, Council hereby delegates from this day 21 January 2020 to the person occupying the office of Chief Executive Officer (the Delegate) and to any person acting in that office, subject to the conditions and or limitations specified in the Instrument of Delegation (as per Attachment 5 to the agenda report), the powers and functions under the Planning, Development and Infrastructure Act 2016.*

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the Planning, Development and Infrastructure Act 2016.

Authorisations under the Road Traffic Act 1961

6. *In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following persons pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such persons shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:*

Richard Dekker, Matt Buckell, Kirk Richardson and Brett Williams.

In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following persons are experienced traffic engineering practitioners for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

Richard Dekker, Matt Buckell, Kirk Richardson and Brett Williams.

In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following persons have an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:

Richard Dekker, Matt Buckell, Kirk Richardson and Brett Williams.

Seconded by Cr Jamieson.

CARRIED

9.2 Proposal to revoke and dispose of community land off Bayliss Road, McLaren Vale to enable sale to the adjoining land owners

MOVED Cr Greaves.

That for the council owned land described as Closed Road A in Road Plan 1550A comprised in Certificate of Title Volume 5639 Folio 937 and bordered in red on attachment 1 to the agenda report, Council:

- 1. Declares 'in principle' that the subject Council owned community land is surplus to requirements and potentially suitable for disposal to the adjoining owners of the land bordered in yellow in attachment 1 to the agenda report.*
- 2. Approves the commencement of the revocation process to revoke the community land classification, including undertaking public consultation in accordance with the provisions of subsection 194(2) of the Local Government Act 1999 and in accordance with the Community Engagement Plan included as attachment 3 to the agenda report.*
- 3. Approves waiver of Council's application fee (\$292.00) and processing fee (\$2,330.00) for the revocation of community land in order to undertake a process that will be of benefit to both Council and the adjoining landowners, noting that all other costs of the transaction and the market value for the land will be paid by the adjoining landowners in accordance with Council's approved Disposal of Council Land and Other Assets Policy.*
- 4. Approves the net proceeds from the sale of the subject land (if ultimately approved by Council) to be assigned to the Community Investment Fund (CIF) to be used strictly in accord with Council's approved use of that Fund.*
- 5. Requests a further report be presented to Council detailing the outcomes of the public consultation phase of the revocation process to enable Council to determine if the revocation and disposal should proceed.*

Seconded by Cr Olsen.

CARRIED

9.3 Proposal to commence a revocation of community land process to enable disposal of council reserve land at 2 Rialto Street, Morphett Vale

MOVED Cr de Graaf.

That the land be investigated to be developed as a community reserve and that a small budget allocation be applied to that, with a further report to be presented to Council on the outcomes.

Seconded by Cr Brown.

LOST

MOVED Cr Bray.

That for the parcel of land described as Allotment 25 in Deposited Plan 7411 comprised in Certificate of Title Volume 2551 Folio 3 and bordered in red on Attachment 1 to the agenda report, Council:

- 1. Acknowledges that the proposal to revoke and dispose of the subject land was a strategic outcome from Council's Open Space Strategic Management Plan (OSSMP).*

2. *Declares 'in principle' that the subject reserve is surplus to requirements and potentially suitable for disposal on the open market.*
3. *Approves the commencement of the process to revoke the subject land from its community land classification by undertaking public consultation in accordance with the provisions of subsection 194(2)(b) of the Local Government Act 1999 and in accordance with the Community Engagement Plan included as Attachment 2 to the agenda report.*
4. *Approves that the public consultation process clearly articulates to the community that it is Council's intention to subdivide the land as depicted on Attachment 3 to the agenda report, to create three residential allotments for sale.*
5. *Approves the assignment of tree canopy replacement costs totalling \$13,247 associated with the disposal of the reserve to the Urban Tree Fund, as outlined in the Background Section of this report, if the revocation and disposal of the subject land parcel is successfully completed.*
6. *Approves the net proceeds from the sale of the subject land (if ultimately approved by Council) to be assigned to the Community Investment Fund (CIF) to be used strictly in accord with Council's approved use of that Fund.*
7. *Requests a further report be presented to Council detailing the outcomes of the public consultation phase of the revocation process to enable Council to determine if the revocation and disposal process should proceed.*

Seconded by Cr Olsen.

CARRIED

Cr de Graaf called a DIVISION and the decision was set aside.

For:

<i>Cr McMahon</i>	<i>Cr Eaton</i>	<i>Cr Themeliotis</i>	<i>Cr Bray</i>	<i>Cr Olsen</i>
<i>Cr O'Brien</i>	<i>Cr Greaves</i>	<i>Cr Jamieson</i>	<i>Cr Cowan</i>	

Against:

<i>Cr de Graaf</i>	<i>Cr Brown</i>			
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CARRIED

Cr Greaves left her seat in the Chamber at 7.22pm.

9.4 2020-21 Grants and Sponsorship Program assessment process

MOVED Cr Eaton.

That the guidelines for the Grants and Sponsorship Program be amended to reflect that an elected member or an employee of the City of Onkaparinga are not eligible to sign or be listed on a grant application.

Seconded by Cr Themeliotis

Cr de Graaf declared a perceived conflict of interest as she is the coordinator of a group who applied for a grant in previous years and left the meeting at 7.35pm.

Cr Greaves resumed her seat in the Chamber at 7.24pm.

CARRIED

Cr de Graaf resumed her seat in the Chamber at 7.39pm.

MOVED Cr Themeliotis.

That Council appoint:

- 1. Crs Eaton and Cr Jamieson as representatives on the 2020-21 Regional Festivals and Events (Tier 2) Sponsorship assessment panel*
- 2. Cr Eaton as representative on the 2020-21 Minor Capital Works and Facilities Grants assessment panel*
- 3. Cr de Graaf as representative on the 2020-21 Public Place Improvement Grants assessment panel*
- 4. Crs de Graaf and Cr Brown as representatives on the 2020-21 Environment Grants assessment panel*
- 5. Cr Eaton as representatives on the 2020-21 Community Events and Christmas Events and Carols (Tier 3) Sponsorship assessment panel*
- 6. Cr O'Brien as representatives on the 2020-21 Community Grants assessment panel.*

Seconded by Cr Greaves.

CARRIED

9.5 Service Review Report - Events Review

MOVED Cr Greaves.

That Council approves:

- 1. That events delivered by the Events team, previously called 'Flagship and Hosted', be renamed 'major events'.*
- 2. The three-year Events Plan for major events as outlined in attachment 1 and that these events be reviewed at the completion of the plan, with recommendations for any future plan to be approved by Council in 2023.*
- 3. That the Beachside Food and Wine Festival be included in the three-year Events Plan from 2021 at a cost of \$53,000 per annum, with existing funds drawn from the Major/Tier 1 Events budget.*
- 4. That the Touch a Truck event be included in the three-year Events Plan at a cost of \$20,000 per annum with existing funds drawn from the Major/Tier 1 Events budget.*
- 5. That Tier 1, 2 and 3 Sponsored events continue to be reviewed as part of the Grants and Sponsorship Review.*

Seconded by Cr Jamieson.

Cr Cowan left his seat in the Chamber at 7.59pm.

Cr Cowan resumed his seat in the Chamber at 8.01pm.

CARRIED

9.6 Decision on Bush Fair Fireworks

MOVED Cr de Graaf.

That Council approve:

- 1. The funds resulting from the cancellation of the Australia Day Bush Fair fireworks display, fireworks fencing and the gold-coin donations collected at the event be donated to bushfire recovery efforts.*
- 2. The funds outlined in recommendation 1 be evenly distributed to Minton Farm, SA Bushfire Appeal and the CFS Foundation.*

Seconded by Cr Jamieson.

CARRIED

9.7 Council and Committee Reporting Schedule

MOVED Cr de Graaf.

That Council note the agenda report and Reporting Schedule (attachment 1 to the agenda report).

Seconded by Cr Themeliotis.

CARRIED

10. Questions on notice

Nil.

11. Motions

Nil.

12. Petitions

12.1 O'Sullivan Beach Boat Launching Facility – Petition for Council to Commit Funding for an Upgrade of the Boat Ramp

MOVED Cr Greaves.

That Council:

- 1. Resolve that the petition be received.*
- 2. Notes that a response to the petition will be addressed in a report to Council on 17 March 2020.*
- 3. Resolve that the head petitioner be notified of Council's decision.*

Seconded by Cr O'Brien.

CARRIED

12.2 Petition - Traffic Infringement Cancellation Request

MOVED Cr Greaves.

That Council:

- 1. Resolve that the petition be received.*
- 2. Note that the amount due under the expiation notice has been paid and that a notice cannot be withdrawn if any amount due under the notice has been paid (section 8A(6)(a) of the Expiation of Offences Act 1996).*
- 3. Resolve that the head petitioner be notified that the Expiation of Offences Act 1996 provides the person who has been given an expiation notice with the option to seek a review of the notice, however in this matter the notice has been paid and a notice that has been paid cannot be withdrawn.*

Seconded by Cr Olsen.

Cr McMahon left his seat in the Chamber at 8.27pm.

CARRIED

Cr McMahon resumed his seat in the Chamber at 8.29pm.

13. Urgent business

13.1 Urgent business – Cr Bray – Ombudsman’s findings

Cr Greaves left her seat in the Chamber at 8.31pm.

Cr Greaves resumed her seat in the Chamber at 8.32pm.

Alison Hancock, Director Corporate and City Services, declared a conflict of interest under section 120 of the *Local Government Act 1999* and left the meeting at 8.33pm.

At 8.34pm Mayor Thompson sought and was granted leave of the meeting to suspend proceedings in order to facilitate informal discussions in this matter.

Mayor Thompson reconvened the meeting in the Chamber at 8.44pm with all members present that were present before the suspension.

MOVED Cr Bray

The majority of this Council was elected on a platform of transparency and accountability and a desire to moving away from extravagance and entitlement and to reinstall public confidence back into the organisation.

That Council expresses its concern with the recent finds of substantial mismanagement of public resources within the Director Group during 2014-16, systemic misuse of public money, maladministration, breaches of the Local Government Act 1999, breaches of the Employee Code of Conduct and breaches of the Ombudsman’s and ICAC Acts and how these potentially impact on how the objectives of this term of Council can be delivered.

Significant policy and guideline changes were made with input from our residents, the Local Government Association and our staff in April 2018. After 12 months of the guidelines being in place, we considered further feedback from staff and our audit committee, together with an audit conducted by an independent auditor.

That Council endorses the statement made by the Mayor.

That Council pledges to continue to look for ways to improve transparency and accountability across the organisation.

Seconded by Cr de Graaf

Cr Brown left her seat in the Chamber at 8.45pm.

At 8.47pm Cr O'Brien MOVED that the meeting break for 10 minutes.

Seconded by Cr Eaton.

CARRIED

Mayor Thompson reconvened the meeting in the Chamber at 9.02pm with all members present that were present before the break with the addition of Cr Brown.

Cr Brown left the meeting at 9.03pm.

Cr Greaves MOVED an AMENDMENT.

Members of this Council were elected on a platform of transparency and accountability and a desire to reinstate public confidence back into the organisation.

That Council expresses its concern with the recent findings of substantial mismanagement of public resources within the Directors Group during 2014-16, as published in the Ombudsman's Reports of November 2019 and January 2020.

Significant policy and guideline changes were made with input from our residents, the Local Government Association and our staff in April 2018. After 12 months of the guidelines being in place, we considered further feedback from staff and our audit committee, together with an audit conducted by an independent auditor.

That Council endorses the statement made by the Mayor.

That Council pledges to continue to look for ways to improve transparency and accountability across the organisation.

Seconded by Cr Jamieson.

The AMENDMENT was PUT and CARRIED.

The MOTION, thus AMENDED, was PUT and CARRIED.

Cr Olsen called a DIVISION and the decision was set aside.

For:

<i>Cr McMahon</i>	<i>Cr Eaton</i>	<i>Cr Themeliotis</i>	<i>Cr Bray</i>	<i>Cr Olsen</i>
<i>Cr O'Brien</i>	<i>Cr Greaves</i>	<i>Cr Jamieson</i>	<i>Cr Cowan</i>	

Against:

<i>Cr de Graaf</i>				
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CARRIED

Cr Bray left his seat in the Chamber at 9.16pm.

Cr Bray resumed his seat in the Chamber at 9.16pm.

Alison Hancock, Director Corporate and City Services, returned to the meeting at 9.16pm.

14. Confidential items

14.1 Tier 1 Event

MOVED Cr O'Brien.

1. That:

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of the Chief Executive Officer, Director Corporate and City Services, Director City Operations, Director Community Relations, Chief Financial Officer, Team Leader Civic Governance (Acting), Senior Governance Officer, Manager Public Relations, Events Coordinator and Team Leader Arts & Cultural Development, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. the Council is satisfied that it is necessary that the public, with the exception of staff listed in (a) above, be excluded to enable the Council to consider the report at the meeting on the following grounds:
Section 90(3)(j) information the disclosure of which—
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and*
 - (ii) would, on balance, be contrary to the public interest;**
- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Themeliotis.

CARRIED

Cr de Graaf left the meeting at 9.19pm.

2. Confidential

MOVED Cr Greaves.

- 3. a. That the matter of Tier 1 Event having been considered by the Council in confidence under sections 90(2) and 90(3)(j) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the agenda report, discussion and minutes of the Council relating to discussion of the subject matter be kept confidential until 31 July 2020.*
- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr O'Brien.

CARRIED

14.2 ICT Reform Project Steering Committee meeting confidential minutes of 9 December 2019

MOVED Cr Greaves.

1. That:

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of the Chief Executive Officer, Director Corporate and City Services, Director City Operations, Director Community Relations, Chief Financial Officer, Team Leader Civic Governance (Acting) and the Senior Governance Officer, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. the Council is satisfied that it is necessary that the public, with the exception of staff listed in (a) above, be excluded to enable the Council to consider the report at the meeting on the following grounds:
Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
and
Section 90(3)(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;*
- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Eaton.

CARRIED

2. Confidential

MOVED Cr O'Brien.

- 3. a. That the matter of ICT Reform Project Steering Committee meeting confidential minutes of 9 December 2019 having been considered by the Council in confidence under sections 90(2) and 90(3)(a) and (d) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the agenda report, discussion and minutes of the Council relating to discussion of the subject matter be kept confidential.*
- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Eaton.

CARRIED

14.3 EM2019-06 Code of Conduct for Council Members Preliminary Assessment

MOVED Cr Themeliotis.

1. That:

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of the Chief Executive Officer, Director Corporate and City Services, Director City Operations, Director Community Relations, Chief Financial Officer, Team Leader Civic Governance (Acting), Senior Governance Officer, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. the Council is satisfied that it is necessary that the public, with the exception of staff listed in (a) above, be excluded to enable the Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr O'Brien.

CARRIED

2. Confidential

MOVED Cr O'Brien.

- 3a. That the matter of EM2019-06 Code of Conduct for Council Members Preliminary Assessment having been considered by the Council in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the Code of Conduct for Council Members Preliminary Assessment EM2019-06 and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential, excluding communication with the complainant and subject of the complaint in relation to Council's decision, and any future report presented to Council which determines a breach of the Code of Conduct for Council Members has been determined in relation to EM2019-06.*
- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Greaves.

CARRIED

14.4 Council Chamber upgrade (including audio recording of meetings)

MOVED Cr Eaton.

1. That:

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of the Chief Executive Officer, Director Corporate and City Services, Director City Operations, Director Community Relations, Chief Financial Officer, Team Leader Civic Governance (Acting), Senior Governance Officer, and the Manager People and Information, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. the Council is satisfied that it is necessary that the public, with the exception of staff listed in (a) above, be excluded to enable the Council to consider the report at the meeting on the following grounds:

Section 90(3)(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;**
- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Themeliotis.

CARRIED

2-5 Confidential

MOVED Cr O'Brien.

- 6. That the matter of the Council chamber upgrade (including audio recording of meetings), having been considered by the Council in confidence under sections 90(2) and 90(3)(d) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the minutes and the report of the Council relating to discussion of the subject matter remain in confidence, with the exception that a public statement on the project will be released upon the execution of a contract with an audio visual supplier .*
- 7. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- 8. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub delegate.*

Seconded by Cr McMahon.

CARRIED

Mayor Thompson reopened the meeting to the public at 9.45pm

15. Closure

Mayor Thompson officially declared the meeting closed at 9.45pm.

Certified Correct*Chair*
/ /2020