
City of Onkaparinga
Minutes of the Council meeting
held on 12 December 2017

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

Meeting commenced: 7pm

Present: Mayor L F Rosenberg
Cr M Bray
Cr S Brown
Cr D Chapman
Cr H Greaves
Cr J Gunn
Cr G Hennessy
Cr R Holtham
Cr W Jamieson
Cr G Kilby (left 9.16pm)
Cr H Merritt
Cr B Nankivell (7.13pm)
Cr L Nicholls
Cr G Olbrich (7.55pm)
Cr W Olsen (7.07pm)
Cr D Parslow
Cr P Schulze (left 10pm)
Cr N Swann
Cr M Themeliotis
Cr H Wainwright

Apologies: Cr J Deakin
Cr G Olbrich (for lateness)

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 Rosenberg officially declared the meeting open at 7pm.

2. Confirmation of minutes

Cr Themeliotis MOVED that the minutes of the proceedings of the Council meeting held on 21 November 2017 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr Greaves.

CARRIED

3. Adjourned business

Nil.

4. Leave of absence

Nil.

5. Mayor's Communication

5.1 Mayor's Report 12 December 2017

Newstart Allowance

Council considered and supported a motion I presented to Council regarding increased Newstart allowances. As part of that motion, I was to write to various MPs and particularly to the Minister for Social Services, Hon Christian Porter MP.

I did so and the response is Attachment 1.

You can see for yourself the response and how much our letter has had an impact or not to consideration of change.

Rate Capping

I also wrote to Steven Marshall MP, Leader of the Opposition in relation to rate capping and the capping of government fees and charges to the same level as proposed Council rate caps. Once again this was in response to a Council motion. Attachment 2 indicates a response from Shadow Local Government Minister David Pisoni. Again I leave you to read the response and reach your own conclusions.

Outcome of Ombudsman complaint

For your knowledge and in the spirit of transparency I enclose for you as Attachment 3 the outcome of a recent Ombudsman complaint against me by Cr Don Chapman. The complaint was actually two separate complaints that the Ombudsman joined together to investigate simultaneously.

I argued for the outcome to be public as I believed it was in the public interest. The full report by the Ombudsman is found on his website. In short the complaints were:

1. The complainant made a number of allegations concerning Mayor Rosenberg's conduct at two separate council meetings which I address below:
2. In relation to a council meeting held on 29 November 2016, the complainant alleges that:
 - Mayor Rosenberg moved item 14.2 as urgent business and asked for the item to be considered in confidence. Item 14.2 concerned a Code of Conduct investigation involving Cr William Jamieson and a resolution of the council dated 24 May 2016.
 - Mayor Rosenberg had received verbal legal advice in relation to the council's recommendation at Item 9.8 of the agenda for the 24 May 2016 Council meeting.

While Mayor Rosenberg 'read out' the verbal advice at the meeting on 29 November 2016, a written version of that legal advice was not tabled in order for elected members to fully consider it prior to voting.
 - Elected members were not provided with the minutes of the 24 May 2016 council meeting at the 29 November 2016 meeting so that they could fully consider those minutes prior to voting.
 - Elected members were not given adequate time to consider all relevant documents.
 - As a result of the urgency of considering item 14.2, several elected members who may have been complainants in the Cr Jamieson investigation were unable to declare a conflict of interest.
 - By requesting verbal legal advice Mayor Rosenberg acted without authority and misused council resources.
 - Mayor Rosenberg has not provided Crs Jamieson and Kilby with a verbal or written apology as required by the council.
3. In relation to the special council meeting of 13 June 2017 the complainant alleges that:
 - Mayor Rosenberg insisted that item 4.1 be moved into confidence without any explanation. Item 4.1 concerned the Elector Representation Review and issues about potential tampering activities with the submissions in the last public consultation phase.
 - Elected members were not provided with any documentation or explanation other than that the matter concerned alleged breaches of sections 90(3)(f) and (g) of the Local Government Act.
 - The complainant raised his concerns and posed a number of questions to Mayor Rosenberg the next day, however she did not provide answers to the complainant, instead advising him that his email and the implied threat met the test outlined in section 21 of the *Independent*

Commissioner Against Corruption Act 2012 (the ICAC Act) and as a result the email would be reported to the Office for Public Integrity (OPI).

and the findings in part are documented in Attachment 4.

As always, when the complaint is against me, I defend it wholly by myself and have incurred no legal costs against any council fund or ratepayer.

Mayor's calendar

My activities from 18 November to 8 December 2017 are reflected in Attachment 5.

Thank you.



Lorraine Rosenberg

Mayor

MOVED Cr Merritt.

That Council note the 12 December 2017 Mayor's report.

Seconded by Cr Greaves.

Cr Chapman MOVED an amendment

- 1. That the Mayor's report be noted.*
- 2. That the Council note that with respect to the Ombudsman's letter Cr Chapman did not move for the Mayor's dismissal but did move a motion on 23 May 2017 to discuss and deal with a letter seeking the Mayor's resignation or dismissal and that it lapsed for want of a seconder.*

Seconded by Cr Jamieson.

Cr Olsen entered the meeting at 7.07pm.

The AMENDMENT was PUT and LOST.

The original MOTION was PUT and CARRIED.

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

For:

<i>Cr Themeliotis</i>	<i>Cr Gunn</i>	<i>Cr Jamieson</i>	<i>Cr Schulze</i>	<i>Cr Greaves</i>
<i>Cr Holtham</i>	<i>Cr Nicholls</i>	<i>Cr Kilby</i>	<i>Cr Parslow</i>	<i>Cr Hennessy</i>
<i>Cr Wainwright</i>	<i>Cr Swann</i>	<i>Cr Merritt</i>	<i>Cr Olsen</i>	

Against:

<i>Cr Brown</i>	<i>Cr Bray</i>	<i>Cr Chapman</i>		
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CARRIED

Cr Nankivell entered the meeting at 7.13pm.

6. Presentations

6.1 City of Onkaparinga end of year highlights and achievements video

Mark Dowd, Chief Executive Officer presented the City of Onkaparinga end of year highlights and achievements video.

6.2 Planning Institute Australia award for Trails and Cycling Strategic Management Plan

Kirk Richardson, Director City Operations presented Mayor Rosenberg with the PIA award in recognition of the Trails and Cycling Strategic Management Plan.

6.3 Red Cross Council Blood Challenge award

Alison Hancock, Director Corporate and City Services presented Mayor Rosenberg with the Australian Red Cross 2017 Councils Blood Challenge award for the Highest Total Donations in SA.

7. Deputations

Nil.

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

8.1 Audit, Risk, Value and Efficiency Committee meeting minutes of 4 December 2017

MOVED Cr Chapman.

That the disability service review be deferred until a workshop is held early in 2018.

Seconded by Cr Bray.

Cr Hennessy left his seat in the Chamber at 7.46pm.

Cr Hennessy resumed his seat in the Chamber at 7.48pm.

Cr Olbrich entered the meeting at 7.55pm.

LOST

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

For:

<i>Cr Brown</i>	<i>Cr Bray</i>	<i>Cr Chapman</i>		
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Against:

<i>Cr Themeliotis</i>	<i>Cr Gunn</i>	<i>Cr Jamieson</i>	<i>Cr Schulze</i>	<i>Cr Greaves</i>
<i>Cr Holtham</i>	<i>Cr Olbrich</i>	<i>Cr Nicholls</i>	<i>Cr Kilby</i>	<i>Cr Nankivell</i>
<i>Cr Parslow</i>	<i>Cr Hennessy</i>	<i>Cr Wainwright</i>	<i>Cr Swann</i>	<i>Cr Merritt</i>
<i>Cr Olsen</i>				

LOST

MOVED Cr Jamieson.

1. Re item 7.2 Disability Service Review (refer attachment 2 to the agenda report)

That Council approve the delivery of a transition program that incorporates the following actions:

- a) Register with the National Disability Insurance Scheme (NDIS) to provide community participation, coordination, support and transport services, initially until the end of 2018-19 financial year.*
- b) Recognise the commitment by the state government to fund clients who are not eligible for NDIS.*
- c) Accept state government funding for 2018-19 financial year to continue to deliver services for clients who are not eligible for NDIS.*
- d) Transition clients receiving home assist and personal care services to existing providers such as ACH Group.*
- e) Support clients through the delivery of our Community Links program who have 'fallen through the cracks' by advocating for them with other agencies and supporting them to access appropriate services.*
- f) Proactively engage with the Local Area Coordinator when appointed to facilitate transition for clients.*
- g) Review our Disability Access and Inclusion Management Plan to align the objectives, aims and actions with the SA Disability Inclusion Bill 2017 when it is enacted.*
- h) Further review our Disability program in early 2019 considering client numbers, market capacity, funding income, legislative requirements and future NDIS service provider status.*
- i) Submit a report to Council in March 2019 on the evaluation of the delivery of our 2018 Disability Program and recommend a service delivery model for disability services in 2019-2020.*
- j) That a workshop be held by the end of February 2018 to inform elected members of the NDIS operation.*

2. That Council note the minutes of the Audit, Risk, Value and Efficiency Committee meeting held on 4 December 2017 as attached to the agenda report.

Seconded by Cr Nankivell.

Cr Bray MOVED an AMENDMENT.

1. Re item 7.2 Disability Service Review (refer attachment 2 to the agenda report)

That Council approve the delivery of a transition program that incorporates the following actions:

- a) Register with the National Disability Insurance Scheme (NDIS) to provide community participation, coordination, support and transport services, until the end of 2018-19 financial year.*
- b) Recognise the commitment by the state government to fund clients who are not eligible for NDIS.*
- c) Accept state government funding for 2018-19 financial year to continue to deliver services for clients who are not eligible for NDIS.*

- d) *Transition clients receiving home assist and personal care services to existing providers such as ACH Group.*
 - e) *Support clients through the delivery of our Community Links program who have 'fallen through the cracks' by advocating for them with other agencies and supporting them to access appropriate services.*
 - f) *Proactively engage with the Local Area Coordinator when appointed to facilitate transition for clients.*
 - g) *Review our Disability Access and Inclusion Management Plan to align the objectives, aims and actions with the SA Disability Inclusion Bill 2017 when it is enacted.*
 - h) *Further review our Disability program in early 2019 considering client numbers, market capacity, funding income, legislative requirements and future NDIS service provider status.*
 - i) *Submit a report to Council in March 2019 on the evaluation of the delivery of our 2018 Disability Program and recommend a service delivery model for disability services in 2019-2020.*
 - j) *That a workshop be held by the end of February 2018 to inform elected members of the NDIS operation.*
2. *That Council note the minutes of the Audit, Risk, Value and Efficiency Committee meeting held on 4 December 2017 as attached to the agenda report.*

Seconded by Cr Chapman.

The AMENDMENT was PUT and CARRIED.

The MOTION, thus AMENDED, was PUT and CARRIED.

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

For:

<i>Cr Brown</i>	<i>Cr Themeliotis</i>	<i>Cr Gunn</i>	<i>Cr Bray</i>	<i>Cr Jamieson</i>
<i>Cr Schulze</i>	<i>Cr Greaves</i>	<i>Cr Holtham</i>	<i>Cr Olbrich</i>	<i>Cr Nicholls</i>
<i>Cr Kilby</i>	<i>Cr Nankivell</i>	<i>Cr Parslow</i>	<i>Cr Hennessy</i>	<i>Cr Wainwright</i>
<i>Cr Swann</i>	<i>Cr Merritt</i>	<i>Cr Olsen</i>		

Against:

<i>Cr Chapman</i>				
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CARRIED

Cr Olsen left his seat in the Chamber at 8.17pm.

8.2 Strategic Directions Committee minutes of 5 December 2017

MOVED Cr Greaves.

That Council note the minutes of the Strategic Directions Committee meeting held on 5 December 2017 as attached to the agenda report.

Seconded by Cr Olbrich.

CARRIED

9. Reports of officers

9.1 Proposal to commence a road closing process and dispose of a portion of Highview Court at Hackham

Cr Hennessy declared a material conflict of interest as an agent for the developer and left the meeting at 8.18pm.

MOVED Cr Gunn.

- 1. That Council notes that at its meeting on 19 September 2017 at Item 9.1 it approved a road closure process for the surveyed legal and open public road (walkway) that connects Samuel Street and Highview Court at Hackham (bordered in yellow on Attachment 1 to this agenda report) to enable its sale to the adjoining land owner/developer.*
- 2. That for the portion of legal and open public road contained in Certificate of Title Volume 4292 Folio 829 comprising portion of Allotment 9 in Deposited Plan 20434 (bordered in red on Attachment 1 to this agenda report), Council:*
 - 2.1 declares that the subject portion of road is surplus to requirements and suitable for closure and disposal*
 - 2.2 approves the commencement of the road closing process, including public consultation in accordance with the Roads (Opening and Closing) Act 1991*
 - 2.3 resolves that the whole of the subject portion of road to be closed will be excluded from the classification of community land upon closure*
 - 2.4 approves the sale of the subject portion of closed road to the adjoining landowner, subject to agreement by the adjoining landowner to pay not less than the market value of the land, all costs associated with the road closing and its amalgamation with their existing title*
 - 2.5 resolves that if any objections or any applications for easements are received during the public consultation phase of the proposed road closure, a further report be tabled for Council's consideration and determination*
 - 2.6 authorises the Chief Executive Officer to sign any documentation necessary to finalise the road closing process and the sale and transfer of the subject road to the adjoining landowner*
 - 2.7 approves that the proceeds from the sale of the subject land are to be assigned to the Strategic Acquisitions Reserve fund to assist with future strategic property acquisitions and other projects.*

Seconded by Cr Merritt.

CARRIED

Cr Hennessy resumed his seat in the Chamber at 8.18pm.

9.2 Animal Management Plan 2017 - 2022

Cr Kilby declared a perceived conflict of interest as a member of the Dog and Cat Management Board. Cr Kilby stated she would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

Cr Olsen resumed his seat in the Chamber at 8.19pm.

Cr Wainwright left her seat in the Chamber at 8.20pm.

Cr Wainwright resumed her seat in the Chamber at 8.21pm.

MOVED Cr Merritt.

That Council endorse the Animal Management Plan 2017-2022 (attachment 1 to the agenda report) to replace our current Animal Management Plan 2011-2017.

Seconded by Cr Greaves.

Cr Bray MOVED an AMENDMENT.

- 1. That Council endorse the Animal Management Plan 2017-2022 (attachment 1 to the agenda report) to replace our current Animal Management plan 2011-2017.*
- 2. That a report come back to Council by the end of March 2018 that looks at waiving fees for cat traps and charging a fee to owners to have cats returned.*

LAPSED for want of a seconder

CARRIED

Cr Kilby voted for the motion.

The majority of members entitled to vote at the meeting voted for the motion.

Cr Nicholls left her seat in the Chamber at 8.24pm.

9.3 Willunga Recreation Park Proposed Redevelopment Project

MOVED Cr Nankivell.

- 1. That Council does not support the allocation of a further \$900,000 at this time.*
- 2. That Council note that the \$400,000 previously approved will be used to seek additional matching funding through the Building Better Regions Fund which if successful would support stages 1 and 2.*
- 3. That Council note that stage 1 works will be delayed until announcement of successful submissions for funding through the Building Better Regions Fund.*

Seconded by Cr Bray.

LOST

Cr Nicholls resumed her seat in the Chamber at 8.27pm.

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

For:

<i>Cr Brown</i>	<i>Cr Themeliotis</i>	<i>Cr Bray</i>	<i>Cr Schulze</i>	<i>Cr Nankivell</i>
<i>Cr Parslow</i>				

Against:

<i>Cr Gunn</i>	<i>Cr Jamieson</i>	<i>Cr Greaves</i>	<i>Cr Holtham</i>	<i>Cr Chapman</i>
<i>Cr Olbrich</i>	<i>Cr Nicholls</i>	<i>Cr Kilby</i>	<i>Cr Hennessy</i>	<i>Cr Wainwright</i>
<i>Cr Swann</i>	<i>Cr Merritt</i>	<i>Cr Olsen</i>		

LOST

MOVED Cr Greaves.

That Council endorses that a further funding allocation of \$900,000 will be made as part of the 2018/19 budget process to assist with the funding of stage 3 works, but the release of this additional funding will be subject to the Willunga Recreation Park Incorporated submission for \$2.7 million to the Building Better Regions Fund being successful.

Seconded by Cr Kilby.

Cr Brown left her seat in the Chamber at 9.04pm.

Cr Brown resumed her seat in the Chamber at 9.07pm.

Cr Bray MOVED an AMENDMENT.

- 1. That Council endorses that a further funding allocation of \$900,000 will be made as part of the 2018/19 budget process to assist with the funding of stage 3 works, but the release of this additional funding will be subject to the Willunga Recreation Park Incorporated submission for \$2.7 million to the Building Better Regions Fund being successful.*
- 2. That funding be covered by PCW adjustments.*

LAPSED for want of a seconder

CARRIED

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

For:

<i>Cr Gunn</i>	<i>Cr Jamieson</i>	<i>Cr Schulze</i>	<i>Cr Greaves</i>	<i>Cr Holtham</i>
<i>Cr Chapman</i>	<i>Cr Olbrich</i>	<i>Cr Nicholls</i>	<i>Cr Kilby</i>	<i>Cr Parslow</i>
<i>Cr Hennessy</i>	<i>Cr Wainwright</i>	<i>Cr Swann</i>	<i>Cr Merritt</i>	<i>Cr Olsen</i>

Against:

<i>Cr Brown</i>	<i>Cr Themeliotis</i>	<i>Cr Bray</i>	<i>Cr Nankivell</i>	
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CARRIED

At 9.16pm Mayor Rosenberg sought and was granted leave of the meeting for a 10 minute break.

Cr Kilby left the meeting during the break.

Mayor Rosenberg reconvened the meeting in the Chamber at 9.28pm with all members present that were present before the break with the exception of Crs Olbrich, Holtham and Kilby.

9.4 International standard BMX facility - update

MOVED Cr Greaves.

That Council notes:

- 1. The current status of the International Standard BMX Facility.*
- 2. That a further report will be presented to Council in early 2018 following the completion of investigations into potential alternative locations.*

Seconded by Cr Hennessy.

Cr Olbrich resumed his seat in the Chamber at 9.29pm.

Cr Holtham resumed her seat in the Chamber at 9.29pm.

CARRIED

9.5 Open Space Strategic Management Plan

MOVED Cr Jamieson.

- 1. That Council note the Open Space Community Engagement Feedback Report (attachment 2 to the agenda report).*
- 2. That Council endorse the following changes to Open Space Strategic Management Plan service levels.*
 - a. We will ensure our district and regional family parks provide a combination of both built and natural shade. Built structures may include shade sails, gazebos and picnic shelters and should be supplemented by the provision of shade trees.*
 - b. We will provide fencing to playgrounds that demonstrate high risk when the risk matrix is applied. The risk matrix will assess gradient, motorist's line of site, speed limit for the road, traffic volume and location of play equipment.*
- 3. That Council approve the draft Open Space Strategic Management Plan and district mapping (attachments 1 and 3 to the agenda report) following the inclusion of proposed amendments contained within the agenda report.*

Seconded by Cr Wainwright.

CARRIED

9.6 Open Space Irrigation

MOVED Cr Parslow.

That:

- 1. The report be received.*
- 2. Council approve a new sub category to be created in the Open Space category of Project and Capital Works titled 'Irrigation' in the 2018-19 financial year.*
- 3. Council approves an increase in the open space category by \$100,000 per annum and that the increase into the sub category 'Irrigation', be funded by increasing the annual reserve transfer from the Open Space Reserve Fund of \$500,000 to \$600,000 for a period of five years.*

4. *Council approves the operational line associated with maintenance of irrigated reserves, be increased by \$22,000 per year, proportionate to the increased area of irrigation, for five years, to meet the costs of increasing irrigated public space.*
5. *Council notes that as contributed reserve assets associated with irrigated space from current and future housing developments are received, increases to operational budgets will be presented as part of budget deliberations.*

Seconded by Cr Gunn.

CARRIED

9.7 Elected Members Allowances and Benefits

MOVED Cr Greaves.

That Council note the agenda report and the Elected Members Allowances and Benefits Register extract as attached to the agenda report.

Seconded by Cr Wainwright.

CARRIED

9.8 Council and Committee Reporting Schedule

MOVED Cr Chapman.

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

Seconded by Cr Gunn.

CARRIED

10. Nominations to external bodies

Nil.

11. Questions on notice

11.1 Questions on notice – Cr Bray re FBT

1. *What is the total fringe Benefits Tax (FBT) paid on all corporate/City of Onkaparinga credit cards purchases for the FOI period 1st January 2014 to 31 December 2016.*
2. *Please provide totals of FBT per category, as per category descriptors in the Audit, Risk and Efficiency Committee agenda 4th December 2017, attachment 3.*

The response to your questions is provided in the table below. For information FBT is applicable on certain transactions specified by the Australian Taxation Office and is not avoidable.

Item Category	FBT Payable on Corporate Credit Card Purchases (\$)
Service Support	0.00
Hardware / Materials / Equipment	0.00
Conference	0.00
Books, DVD's, Music, Learning	0.00
Catering/Food & Drinks	34,889.17
Training	0.00
Technology	1,007.60
Office Supplies	0.00
Events	45,966.65
Supermarket	0.00
China	0.00
Recognition of Service	0.00
Gift	826.18
Marketing	0.00
Parking	0.00
TOTAL	82,689.60

Further to the above we can confirm that the average FBT payable on corporate credit purchases over the 36 month period is approximately \$2,300 per month.

12. Motions

12.1 Notice of Motion – Cr Themeliotis – Hub Gymnastics Club

MOVED Cr Themeliotis.

That Council approve that:

1. *Council Staff, in consideration of the current facilities review, undertake an assessment of potential sites, north of Seaford, for the Hub Gymnastics Club to return to the Onkaparinga council region.*
2. *The assessment of potential sites, (item 1) to be presented to the council and to the Hub Gymnastics Club and should include the benefits to both the Onkaparinga community and the Hub Gymnastics Club.*
3. *The assessment should include the pros and cons (to the council, community and Hub Gymnastics Club) associated with each site, taking into consideration the requirement of Hub Gymnastics Club:*
 - a. *Specifically 20 hours a week over 5 days and storage space for the equipment at a comparable hourly rate,*
 - b. *Or provide a venue similar to what the club was previously operating and with the ability to leave the equipment set up to provide a service to the Onkaparinga community 7 days a week.*
4. *Items 1, 2 & 3 are to be presented in a detailed report to the Council at its first Council meeting of 2018, (the report to be available to the public).*

Seconded by Cr Parslow.

Cr Wainwright left her seat in the Chamber at 9.47pm.

Cr Wainwright resumed her seat in the Chamber at 9.50pm.

CARRIED

12.2 Notice of Motion – Cr Chapman – Corporate purchase cards

MOVED Cr Chapman.

1. *That the council approves the engagement of a qualified financial organisation to produce an internal audit report of the management of corporate purchase cards for the period covering the FOI application identified as Agenda Item 7.6 in the ARVEC meeting of 4 December 2017, from 1 January 2014 to the 1 January 2017, by March 2018 and that the CEO in collaboration with the Business Process Improvement team and that through a resolution of Council approve the objectives for this internal audit.*
2. *That as soon as possible after this meeting the council makes the FOI application of 30 May 2017 into corporate purchase cards available on the council website and includes a complete copy of the release of documents as a result of that application.*
3. *12.1 compile a full breakdown of expenditure of each of the category descriptions listed in column two in the matrix at Attachment 1 of the ARVEC report Item 7.6 and include that information on the website as soon as possible.*

Seconded by Cr Bray.

Cr Schulze left the meeting at 10pm.

Cr Wainwright left her seat in the Chamber at 10.06pm.

At 10.16pm Cr Greaves MOVED that the meeting continue until the end of business.

Seconded by Cr Hennessy.

CARRIED

Cr Olbrich MOVED that the MOTION be PUT.

Seconded by Cr Merritt.

CARRIED

The MOTION was PUT and LOST.

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

For:

<i>Cr Chapman</i>				
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Against:

<i>Cr Brown</i>	<i>Cr Themeliotis</i>	<i>Cr Gunn</i>	<i>Cr Bray</i>	<i>Cr Jamieson</i>
<i>Cr Greaves</i>	<i>Cr Holtham</i>	<i>Cr Olbrich</i>	<i>Cr Nicholls</i>	<i>Cr Nankivell</i>
<i>Cr Parslow</i>	<i>Cr Hennessy</i>	<i>Cr Swann</i>	<i>Cr Merritt</i>	<i>Cr Olsen</i>

LOST

MOVED Cr Jamieson.

That as soon as possible after this meeting the council makes the FOI application of 30 May 2017 into corporate purchase cards available on the council website and includes a complete copy of the release of documents as a result of that application.

Seconded by Cr Bray.

Cr Olsen left his seat in the Chamber at 10.36pm.

Cr Olsen resumed his seat in the Chamber at 10.38pm.

LOST

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

For:

<i>Cr Brown</i>	<i>Cr Bray</i>	<i>Cr Jamieson</i>	<i>Cr Holtham</i>	<i>Cr Chapman</i>
<i>Cr Swann</i>	<i>Cr Olsen</i>			

Against:

<i>Cr Themeliotis</i>	<i>Cr Gunn</i>	<i>Cr Greaves</i>	<i>Cr Olbrich</i>	<i>Cr Nicholls</i>
<i>Cr Nankivell</i>	<i>Cr Parslow</i>	<i>Cr Hennessy</i>	<i>Cr Merritt</i>	

LOST

13. Petitions

Nil.

15. Confidential items

15.1 Audit, Risk, Value and Efficiency Committee meeting confidential minutes re Libraries Review

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 staff on duty, 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 on duty, 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 Merritt.

CARRIED

MOVED Cr Parslow.

3. *That the matter of Audit, Risk, Value and Efficiency Committee confidential minutes re Libraries Review 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 minutes, agenda report and discussion of the Council relating to the Audit, Risk, Value and Efficiency Committee confidential minutes re Libraries Review be kept confidential until all affected parties have been advised of Council's final decision in relation to the Libraries Review.*
4. *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.*
5. *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 Gunn.

Cr Nankivell left his seat in the Chamber at 10.40pm.

CARRIED

Cr Greaves left her seat in the Chamber at 10.41pm.

15.2 Libraries Review

MOVED Cr Parslow.

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 staff on duty, 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 on duty, 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 Greaves.

CARRIED

Cr Greaves resumed her seat in the Chamber at 10.43pm.

Cr Nankivell resumed his seat in the Chamber at 10.45pm.

Cr Wainwright resumed her seat in the Chamber at 10.51pm.

MOVED Cr Greaves.

3. *That the matter of Libraries review 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 minutes, agenda report and discussions of the Council relating to the Libraries Review be kept confidential until all affected parties have been advised of Council's final decision in relation to the Libraries Review.*
4. *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.*
5. *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 Jamieson.

CARRIED

15.3 Strategic Directions Committee meeting confidential minutes re Community Facilities Study

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 staff on duty, 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 on duty, be excluded to enable the Council to receive the information 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 Holtham.

CARRIED

MOVED Cr Themeliotis.

3. *That the matter of Strategic Directions Committee Confidential Minutes re Community Facilities Study 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, agenda report and discussion of the Council relating to Strategic Directions Committee Confidential Minutes re Community Facilities Study be kept confidential until 30 June 2019.

4. *That, pursuant to section 91(9)(a) of the Local Government Act 1999, the Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
5. *That, pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Gunn.

CARRIED

15.4 Water Assets Management Confidential

MOVED Cr Chapman.

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 staff on duty, 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 on duty, 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. *The Council is satisfied in considering the 'public interest,' that whilst disclosure would enhance:*
 - *the accountability of council or council staff in the performance of their official powers, duties and responsibilities;*
 - *the community's ability to inform their own decisions; and*
 - *informed debate about issues and public participation in democracy,**the public interest is outweighed by the following factors.*
 - *That disclosure would provide a commercial advantage to another party.*
 - *That disclosure may have a detrimental effect on the efficient and effective conduct of government functions.*
- d. *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 Nankivell.

CARRIED

Cr Hennessy left his seat in the Chamber at 11.05pm.

Cr Hennessy resumed his seat in the Chamber at 11.06pm.

MOVED Cr Parslow.

4. *That the matter of the Water Assets Management 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 Water Assets Management and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until such time as the affected parties approve the lifting of confidentiality and a final decision has been made regarding the Water Assets Management.*
5. *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.*
6. *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 Hennessy.

CARRIED

Mayor Rosenberg reopened the meeting to the public at 11:10pm.

14. Urgent business

14.1 Urgent business - Cr Jamieson – Willunga Recreation Park

MOVED Cr Jamieson.

If the \$900,000 funding is required for the refurbishment project of the Willunga Recreation Park Incorporated from the contingency reserve then excess funds from the quarterly budget reviews should be prioritised to return the contingency fund to 2% of rate revenue, being \$2.5M.

Seconded by Cr Olsen.

CARRIED

16. Closure

There being no further business Mayor Rosenberg officially declared the meeting closed at 11.12pm.

Certified CorrectChair

/ /2018