

Council Meeting Minutes

**24 July 2018 | 7.00 pm
Council Chamber
401 Greenhill Road, Tusmore**

Members Present: Mayor David Parkin
Councillors Wilkins, Lemon, Monceaux, Osterstock, Ford, Cornish,
Davey, Piggott, Davis

Staff Present: Paul Deb, Chief Executive Officer
Martin Cooper, General Manager, Corporate and Development
Barry Cant, General Manager, Urban and Community

The Mayor read the opening prayer.

The Mayor acknowledged those who gave their life for this Country and also acknowledged the Traditional Owners.

The Mayor advised of the relevant legislation and offences that address behaviour that disrupts a Council Meeting and informed all present that offences apply to both members of the gallery and Elected Members

Evacuation Procedure

The Mayor read the evacuation procedure.

Recording of Council Meetings

The Mayor advised that the Council Meeting is recorded and live streamed.

Apologies

Councillor Lord

Leave of Absence

Councillor Bills

Confirmation of Minutes**Recommendation**

C11754

That the Minutes of the meeting of Council held on 10 July 2018 be taken as read and confirmed.

Moved Councillor Cornish, Seconded Councillor Lemon

CARRIED

Mayor's Report**Recommendation**

C11755 That the Mayor's report be received.

Moved Councillor Davis, Seconded Councillor Wilkins

CARRIED

Reports of Members, Delegates and Working Parties

Councillor Monceaux chaired the Eastern Health Authority CEO Performance Appraisal Committee on 12 July 2018; attended a Burnside Historical Society meeting on 16 July 2018 and attended the briefing prior to Council on 24 July 2018.

Councillor Lemon attended the launch of the International Centre for Koala Excellence on 13 July 2018.

Councillor Wilkins attended the LGA Special General meeting at Adelaide Town Hall on 13 July 2018 and attended the Burnside Historical Society meeting regarding Her Majesty's Theatre renovations.

Councillor Cornish attended the LGA Special Meeting on 13 July 2018 and attended the council workshop/briefing on 24 July 2018.

Councillor Ford attended the LGA Special Meeting regarding rate capping on 13 July 2018 and the briefing prior to Council 24 July 2018.

Deputations

Nil

Petitions

Nil

Questions on Notice

10.1 Workplace Health and Safety and Conflict of Interest

Councillor Osterstock asked the following Questions on Notice:

Workplace bullying and harassment is a risk to health and safety. It can occur wherever people work together in all types of workplaces. It is best dealt with by taking steps to prevent it from occurring and responding quickly if it does occur. The longer the bullying behaviour continues, the more difficult it is to address and the harder it becomes to repair working relationships (Source: Safe Work SA).

- 1 What are the Chief Executive Officers responsibilities and obligations (legal or otherwise) to protect employees work, health and safety?

The Chief Executive Officer, along with the General Manager, Corporate and Development and General Manager, Urban and Community would all be considered "officers" under the Work Health and Safety Act 2012 (WHS Act). Section 27 of the WHS Act establishes a duty for officers. Essentially, an officer of the person conducting the business or undertaking (PCBU), which in this case is the Council, must exercise due diligence to ensure that the PCBU complies with that duty or obligation. Section 27(5) sets out the reasonable steps required of an officer in order for them to demonstrate due diligence, these include:

- a) *to acquire and keep up to date knowledge of work health and safety matters; and*
- b) *to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations; and*
- c) *to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and*
- d) *to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and*
- e) *to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under the WHS Act; and*
- f) *to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).*

- 2 As a governing body what are the responsibilities and obligations of Council (legal or otherwise) to protect employees and Elected Members work, health and safety?

The Council as a governing body would be considered to be a person conducting a business or undertaking (PCBU) under the WHS Act. Elected Members are specifically excluded from the definition of "officer" under the WHS Act.

The advice of the Local Government Association Workers Compensation Scheme to Administration is that Elected Members of the Council would be considered to be "workers" under the WHS Act. This means that they are

subject to the same protections as any other worker under Section 19 and similarly the same duties as any other worker under Section 28.

The protections for works are outlined in Section 19 of the WHS Act.

Section 28 of the WHS Act outlines the responsibilities of a worker whilst in the workplace.

- 3 What is a material conflict of interest pursuant to Section 73 of the *Local Government Act, 1999*?

Section 73(1) relevantly provides that –

“a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if any of the following persons would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:

- (a) the member;*
- (b) a relative of the member;*
- (c) a body corporate of which the member is a director or a member of the governing body;*
- (d) a proprietary company in which the member is a shareholder;*
- (e) a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee;*
- (f) a partner of the member;*
- (g) the employer or an employee of the member;*
- (h) a person from whom the member has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services;*
- (i) a person of a prescribed class.*

Section 73(2) provides that a member will not be taken to have a material conflict of interest if the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of ratepayers, electors or residents or if the interest is that of a relative of the member (other than their spouse or domestic partner) and the member does not know, and could not reasonably be expected to know, of the interest.

Section 73(3) provides if the matter directly concerns an agency or instrumentality of the crown of which the member is an officer or employee then the member will not have a material conflict of interest unless the matter directly concerns that agency or instrumentality.

- 3.1 Pursuant to Section 74 of the *Local Government Act, 1999*, how must an Elected Member deal with a material Conflict of Interest?

Under section 74(1) of the Act if a member has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must:

- *inform the meeting of the material conflict of interest in the matter; and*
- *immediately leave the meeting room when the matter is discussed (including any area set aside for the public), so they cannot view or hear any discussion or voting and stay out of the meeting room whilst the matter is being discussed and voted on.*

Under section 74(3) of the Act, in certain circumstances a member with a material conflict of interest can secure a written approval from the Minister for Local Government to remain in the chamber and to possibly take part in the meeting.

Further, under section 74(6) of the Act, if the matter before the Council is a prescribed form of “ordinary business”, then the member is not required to act on the material conflict of interest pursuant to the procedure under section 74. An example of a form of “ordinary business” includes the consideration of items to be purchased for all members.

- 4 What is an actual or perceived conflict of interest pursuant to Section 75 of the Local Government Act, 1999?

As with the material conflict of interest provision, an actual or perceived conflict of interest is also triggered at the time that a matter is to be discussed at a meeting of the Council.

A member may not have an “actual” conflict of interest in a matter to be discussed at a meeting of the council, but an impartial reasonable person might believe that they do in fact have such a conflict. In those circumstances, the member will be said to have a perceived conflict of interest, regardless as to the true nature of the situation.

It is not relevant whether the member is of the opinion that they would not actually be influenced in their decision, the important question is whether the impartial reasonable person could form the opinion that in the given set of circumstances, the member could be influenced by the nature of their possible or perceived interest.

- 4.1 Pursuant to Section 75A of the Local Government Act, 1999, how must an Elected Member deal with an actual or perceived Conflict of Interest?

If a member has an actual or a perceived conflict of interest, section 75A (1) requires that the member deal with the interest in a “transparent and accountable way”. At the very least, the member must inform the meeting of their interest in the matter, and, if the member proposes to participate in the meeting in relation to the matter, how the member intends to deal with the actual or perceived conflict of interest under section 75A (2). This does not necessarily mean that the member must not participate in the meeting. If quorum would be lost if the member excluded themselves from the meeting, by virtue of their actual or perceived conflict of interest, the member will not be taken to have contravened the provision by participating in the meeting (including voting).

Further, under section 75A(6) of the Act, if the matter before the Council is a prescribed form of “ordinary business”, then the member is not required to act on the actual or perceived conflict pursuant to the procedure under section 75A. An example of a form of “ordinary business” is the consideration of items to be purchased for all members.

As a result, a member will need to be “live” to the fact that even though they may not have a material conflict of interest in a matter to be discussed, they may still have an actual or perceived conflict in relation to that matter and they will need to deal with the interest accordingly.

10.2 Burnside Library Expenditure

Councillor Davey asked the following Question on Notice:

- 1 In relation to the Burnside Library, for the financial year 2017/2018 what has been expended on the following:

- Hardcopy books
- E Books
- Audio Books
- Magazines & periodicals?

Since 2014 all City of Burnside residents have had access to the "one card" Library system; providing access to over four million items from any Public Library in the State. With over 130 libraries in South Australia, it allows our residents and ratepayers to borrow, renew and return items where ever they go, using their library card, and allowing for a wider choice of books, audio books, DVDs, CDs and magazines from the library. This also enables residents to request any items they wish to borrow, irrespective of the format.

This initiative provides a greater range of services and benefits to our patrons and enhances the borrowing experience. In addition long terms cost savings were provided to libraries by facilitating such shared use of resources and systems. Items shared between libraries have increased with positive feedback from users.

Therefore while the below figures represent Councils expenditure they cannot necessarily correlate or quantify the resources and benefits received by our residents or the facilities available to library users.

Statistics which represent our allocation of borrowings for 2017/18:

<i>Books</i>	<i>59.9%</i>
<i>AV</i>	<i>24.63%</i>
<i>Magazines</i>	<i>6.45%</i>
<i>Toys</i>	<i>4.57%</i>
<i>Misc</i>	<i>1.98%</i>
<i>Audio Books</i>	<i>1.64%</i>
<i>eBooks</i>	<i>0.83%</i>

The allocation of budget spend for 2017/18 from represents:

<i>Books</i>	<i>\$47,562</i>
<i>Periodic</i>	<i>\$16,640</i>
<i>AV</i>	<i>\$30,863</i>
<i>(AV includes, audio books, CDs, DVDs)</i>	
<i>Toys</i>	<i>\$8,000</i>
<i>Display & Layout</i>	<i>\$28,118</i>

- 2 In relation to the financial year 2018/2019 what expenditure is proposed to be made by the Library on:

- Hardcopy books
- E Books

- Audio Books
- Magazines and periodicals?

The allocation of spend will be similar for the 2018/19 financial year.

Motions on Notice

Nil

Questions without Notice

Nil

Motions without Notice

Nil

Reports of Officers**Remake of Confidentiality Order for Topic 72.1 (Operational) (14.1)****Motion**

C11756

1. That the Report be received.
2. That pursuant to section 91(7) and (9) of the *Local Government Act 1999* (Act), the Council orders that the confidential documents representing Topic 72.1 of the Attachments A, B and C to the City of Prospect Application to become a Constituent Council of East Waste be dealt with as follows:
 - 2.1 The confidentiality order the subject of resolution C11317 of 25 July 2017 concerning the attachments A and C for item 18.4 be remade on attachments A and C as this relates to:
 - 2.1.1 Confidential information which would prejudice the commercial position of East Waste and constituent councils.
 - 2.1.2 The public interest in disclosing the information is outweighed by section 90(3)(d) of the *Local Government Act 1999* as the information the disclosure of which would involve the unreasonable disclosure of commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person or corporation which supplied the information.
 - 2.2 The confidentiality order on Attachment B for Item 18.4 be allowed to lapse by the council as the document – East Waste Minutes 29 June 2017 have been released from confidence by the East Waste Board.
 - 2.3 It is ordered that Topic 72.1 be retained in confidence for 24 months (until 25 July 2020) and that these orders may be revoked / reviewed by the Council / Chief Executive Officer at least annually.

Moved Councillor Davis, Seconded Councillor Piggott

CARRIED

By-Law Management and Enforcement – Half Yearly Report (Operational) (14.2)**Motion**

C11757

That the Report be received.

Moved Councillor Lemon, Seconded Councillor Cornish

CARRIED

Glenunga Tennis Club – Clubrooms (Operational) (14.5)**Motion**

Councillor Cornish declared a perceived conflict of interest pursuant to S75A of the *Local Government Act 1999*. Councillor Cornish advised that he is currently employed by the Office for Recreation, Sport and Racing (SA Government). Pursuant to Section 75A (2)

Councillor Cornish advised of his intention to deal with the matter in a transparent and accountable way by remaining in the Chamber and voting.

1. That the Report be received.
2. That Council notes that the previous grant applications for funding in accordance with Council Resolution C10586 have been unsuccessful and this funding model is no longer an option for the redevelopment of the existing Glenunga Tennis Club facilities.
3. That Council advise the Glenunga Tennis Club that it would be willing to commit funding of 50 per cent (up to a maximum of \$100,000) of the total value of project works associated with demolition of the existing tennis clubrooms and construction of a new lightweight clubroom building on Kingsley Avenue Reserve, subject to the Glenunga Tennis Club securing funding for the remainder of the cost.
4. That this amount be included for consideration and public consultation within the draft 2019/20 Annual Business Plan and Budget when presented to Council.
5. That the Administration work with Glenunga Tennis Club to develop a concept design for a new clubroom building and obtain accurate project costings for demolition and construction.
6. That Council note the new clubroom building will be subject to all necessary community consultation and requirements under the *Development Act 1993*.
7. That Council endorse the commencement of a community consultation process in accordance with its obligations under the *Local Government Act 1999* on a proposed long-term lease over the tennis clubrooms and associated licence over tennis courts on Kingsley Avenue, Glenunga for the Glenunga Tennis Club, with a total term of up to 25 years.
8. That, subject to the outcome of the community consultation, a further report be presented to Council including a recommendation in relation to a proposed lease and licence.

Moved Councillor Lemon, Seconded Councillor Wilkins

Amended Motion

1. That the Report be received.
2. That Council notes that the previous grant applications for funding in accordance with Council Resolution C10586 have been unsuccessful and this funding model is no longer an option for the redevelopment of the existing Glenunga Tennis Club facilities.
3. That Council advise the Glenunga Tennis Club that it would be willing to commit funding of 50 per cent (up to a maximum of \$100,000) of the total value of project works associated with demolition of the existing tennis clubrooms and construction of a new lightweight clubroom building on Kingsley Avenue Reserve, subject to the Glenunga Tennis Club securing funding for the remainder of the cost.
4. That this amount be included for consideration and public consultation within the draft 2019/20 Annual Business Plan and Budget when presented to Council.
5. That the Administration work with Glenunga Tennis Club to develop a concept design for a new clubroom building utilising the same general footprint and obtain accurate project costings for demolition and construction.
6. That Water Sensitive Urban Design (WSUD) principles guide the concept design and landscaping and that no trees be removed.

7. That Council note the new clubroom building will be subject to all necessary community consultation and requirements under the *Development Act 1993*.
8. That Council endorse the commencement of a community consultation process in accordance with its obligations under the *Local Government Act 1999* on a proposed long-term lease over the tennis clubrooms and associated licence over tennis courts on Kingsley Avenue, Glenunga for the Glenunga Tennis Club, with a total term of up to 25 years.
9. That, subject to the outcome of the community consultation, a further report be presented to Council including a recommendation in relation to a proposed lease and licence.

Moved Councillor Davey

Due to a lack of seconded the motion

LAPSED

Motion

C11758

1. That the Report be received.
2. That Council notes that the previous grant applications for funding in accordance with Council Resolution C10586 have been unsuccessful and this funding model is no longer an option for the redevelopment of the existing Glenunga Tennis Club facilities.
3. That Council advise the Glenunga Tennis Club that it would be willing to commit funding of 50 per cent (up to a maximum of \$100,000) of the total value of project works associated with demolition of the existing tennis clubrooms and construction of a new lightweight clubroom building on Kingsley Avenue Reserve, subject to the Glenunga Tennis Club securing funding for the remainder of the cost.
4. That this amount be included for consideration and public consultation within the draft 2019/20 Annual Business Plan and Budget when presented to Council.
5. That the Administration work with Glenunga Tennis Club to develop a concept design for a new clubroom building and obtain accurate project costings for demolition and construction.
6. That Council note the new clubroom building will be subject to all necessary community consultation and requirements under the *Development Act 1993*.
7. That Council endorse the commencement of a community consultation process in accordance with its obligations under the *Local Government Act 1999* on a proposed long-term lease over the tennis clubrooms and associated licence over tennis courts on Kingsley Avenue, Glenunga for the Glenunga Tennis Club, with a total term of up to 25 years.
8. That, subject to the outcome of the community consultation, a further report be presented to Council including a recommendation in relation to a proposed lease and licence.

Moved Councillor Lemon, Seconded Councillor Wilkins

CARRIED UNANIMOUSLY

Community Grants Program 2018/19 Recipients – Re-Submitted Grants (Operational) (14.4)

Councillor Davey left the Chamber at 7.26pm and returned to the Chamber and resumed her seat at 7.29pm.

Motion

C11759

1. That the Report be received.
2. That the following funding allocation for the re-submitted community grant applications be endorsed and applied in the 2018/19 financial year:

Organisation	2018/19 Amount Recommended
Mid-Level Grants	\$2,500 - \$10,000
East Torrens Kensington Gardens Hardcourt Tennis Club	\$7,665.11
Clayton Wesley Uniting Church	\$6,600.00
TOTAL	\$14, 265.11

3. That the Administration assess the remaining Community Grants Program unallocated funds for presentation to Council as savings, or for re-allocation at the 2018/19 Second Quarter Budget Review.

Moved Councillor Monceaux, Seconded Councillor Wilkins CARRIED UNANIMOUSLY

Subsidiaries, Regional Subsidiaries and other Organisations/Entities

Eastern Waste Management Authority (15.1)

East Waste Management Authority Board of Management Meeting 28 June 2018 (15.1.1)

Recommendation

C11760

That the East Waste Management Authority Board of Management Meeting Minutes of the meeting held 28 June 2018 be received.

Moved Councillor Piggott, Seconded Councillor Monceaux

CARRIED

Eastern Health Authority (15.2)

Nil

Highbury Landfill Authority (15.3)

Nil

ERA Water (15.4)

Nil

Eastern Region Alliance (15.5)

Eastern Region Alliance Mayors and CEOs Group Meeting 27 June 2018 (15.5.1)

Recommendation

C11761

That the Eastern Region Alliance Mayors and CEOs Group Meeting Minutes of the meeting held 27 June 2018 be received.

Moved Councillor Davey, Seconded Councillor Monceaux

CARRIED

Council Correspondence

Nil

Other Business

Nil

Local Government (Rate Oversight) Amendment Bill 2018 – Council Response on Proposed Legislation to Local Government Association of South Australia (Strategic) (14.3)

Mayor Parkin, with the approval of 2/3 of the Members present, suspended the operation of the meeting for 15 minutes (until 7.50pm) to discuss Item 14.3– Local Government (Rate Oversight) Amendment Bill 2018 – Council Response on Proposed Legislation to Local Government Association of South Australia (Strategic).

The Short Term Suspension of proceedings was closed by the Mayor as the Presiding Member.

Motion

1. That the Report be received.
2. That Council advise the Local Government Association (LGA) that it supports the *Local Government (Rate Oversight) Amendment Bill 2018*;
3. That Council advise the LGA that the priority issues, amendments and concessions Council would seek the LGA to use best endeavours to address in discussions with political parties about the *Local Government (Rate Oversight) Amendment Bill 2018* include the following:
 - 3.1 Submission of the complete LGA Chart / Table One entitled 'Potential Amendments to the Rate Oversight Bill' (with six themes) found at Pages 34- Page 35 of the Agenda for 24 July 2018.
4. That the Mayor as Presiding Member be authorised to communicate this position to the LGA through written correspondence by Friday 3 August 2018.
5. That Council note that the LGA Board will hold a Special Meeting to consider the endorsed positions of Member Councils.

Moved Councillor Ford

Due to a lack of seconder the motion

LAPSED

Motion

C11762

1. That the Report be received.
2. That Council advise the Local Government Association (LGA) that it opposes the *Local Government (Rate Oversight) Amendment Bill 2018*.
3. That the Mayor as Presiding Member be authorised to communicate this position to the LGA through written correspondence by Friday 3 August 2018.
4. That Council note that the LGA Board will hold a Special Meeting to consider the endorsed positions of Member Councils.

Moved Councillor Lemon, Seconded Councillor Davis

CARRIED

A Division was called by Councillor Ford.

IN FAVOUR

Councillor Osterstock
Councillor Monceaux
Councillor Lemon
Councillor Wilkins
Councillor Davis
Councillor Piggott
Councillor Davey
Councillor Cornish

AGAINST

Councillor Ford

The Division resulted in the Motion being

CARRIED

Confidential Items

Councillor Osterstock left the Chamber at 8.34pm and did not return.

Appointment of Members to the Brown Hill and Keswick Creeks Stormwater Subsidiary (Operational) (18.2)

C11763

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Elected Members of the City of Burnside, the Chief Executive Officer; the General Manager Corporate and Development; the General Manager Urban and Community; the Principal Executive Officer and the Group Manager People and Innovation, on the basis that it will receive and consider Item 18.2 'Appointment of Members to the Brown Hill and Keswick Creeks Stormwater Subsidiary (Operational)'.

The Council is satisfied, pursuant to section 90(3)(a) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information that would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead). The information concerns the expressions of interest documentation, contact information and resumes of individuals who have applied for positions on the Board and it would be inappropriate to release such information prior to appointments being finalised with agreement reached by all Constituent Councils.

Further, the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because of the public interest in maintaining the confidentiality of the personal affairs of these persons.

Moved Councillor Lemon, Seconded Councillor Piggott

CARRIED

Motion

C11764

1. Confidential Resolution
2. Confidential Resolution

Moved Councillor Cornish, Seconded Councillor Lemon

CARRIED

Confidential Recommendation

C11765

1. That, having considered this matter in confidence, pursuant to section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that:
 - 1.1 the report and names of the candidates relating to this agenda item remain confidential on the basis that the disclosure of this information would be an unreasonable disclosure of the personal affairs of a person pursuant to Section 90(3)(a) of the Act, as the report contains information concerning the names and identifies of persons from an application process and their personal attributes and the release of such information is unreasonable; and
 - 1.2 the report and names of the candidates relating to this item will not be available for public inspection until endorsement of their appointment by the five constituent councils to the Brown Hill and Keswick Creeks Stormwater

Subsidiary, at which time this order will be revoked by the Council/Chief Executive Officer (CEO); and

- 1.3 the attachments relating to this agenda item remain confidential on the basis that the disclosure of this information would be an unreasonable disclosure of the personal affairs of a person pursuant to Section 90(3)(a) of the Act, as the attachments contain information and resumes concerning the names and identifies of persons from an application process and their personal attributes and the release of such information is unreasonable; and
 - 1.4 the attachments relating to this item will not be available for public inspection for the period of 12 months at which time this order will be revoked / reviewed by the Council/Chief Executive Officer (CEO); and
 - 1.5 this confidentiality order will be reviewed by the Council/CEO at least once every 12 months.
2. That if:
- 2.1 the period in respect of any order made under Section 91(7) of the *Local Government Act 1999* lapses; or
 - 2.2 Council resolves to revoke an order made under Section 91(7) of the *Local Government Act 1999*; or
 - 2.3 the CEO determines pursuant to delegated authority that the order be revoked
- any discussions of Council on that matter and any recording of those discussions are to no longer be treated as confidential.

Moved Councillor Davis, Seconded Councillor Wilkins

CARRIED

The Mayor accepted a Motion without Notice.

Motion without Notice

C11766

That the meeting concludes once Item 18.1 is resolved.

Moved Councillor Piggott, Seconded Councillor Lemon

CARRIED

Mayor Parkin declared a conflict of interest and left the Chamber at 8.39pm.

The General Manager Corporate and Development and General Manager Urban and Community left the Chamber at 8.39pm.

Councillor Davis left the Chamber at 8.40pm.

Acting Presiding Member

The Chief Executive Officer called for nominations for an Acting Presiding Member.

Councillor Davey nominated Councillor Cornish.

Councillor Monceaux self-nominated and Councillor Cornish withdrew.

C11767 That Councillor Monceaux be appointed as the Presiding Member.

Moved Councillor Wilkins, Seconded Councillor Cornish

CARRIED

The Chief Executive Officer left the Chamber at 8.42pm and did not return.

Council Resolutions C11055, C11112, C11200 – Continuation of Correspondence Protocol (Operational) (18.1)

C11768

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Elected Members of the City of Burnside; the Chief Executive Officer; the General Manager, Corporate and Development, the General Manager Urban and Community, the Principal Executive Officer and the Group Manager People and Innovation, on the basis that it will receive and consider Item 18.1 'Council Resolutions C11055, C11112, C11200 – Continuation of Correspondence Protocol (Operational)'.

The Council is satisfied that pursuant to section 90(3) (g) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information concerning matters that must be considered in confidence in order to ensure that the Council does not breach any legal obligation or duty in relation to a matter, subject of a confidential Council resolution.

Further, the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because of both the legal responsibilities upon the Council and the public interest generally, in maintaining confidentiality in the Council resolution and its legal advice.

Moved Councillor Lemon, Seconded Councillor Piggott

CARRIED

Motion

C11769

1. Confidential Resolution
2. Confidential Resolution
3. Confidential Resolution
4. Confidential Resolution

Moved Councillor Piggott, Seconded Councillor Wilkins

CARRIED

Confidential Recommendation

C11770

1. That, having considered the matter in confidence, pursuant to section 91(7) and 91(9) of the *Local Government Act 1999*, the Council orders that:
 - 1.1 the report and minutes relating to this Agenda item and the audio recording of the meeting remain confidential on the basis that the information to be received, discussed or considered in relation to this Agenda item is information concerning matters that must be considered in confidence in order to ensure that the Council does not breach any legal obligation or duty pursuant to section 90(3)(g) of the *Local Government Act 1999*;

