Council Meeting
Minutes

10 March 2020 | 7.00 pm
Council Chamber
401 Greenhill Road, Tusmore

Members Present: Mayor Monceaux
Councillors Davis, Piggott, Davey, Hughes, Cornish, Henschke, Huebl, Daws, Turnbull, Carbone, Lemon

Staff Present: Chris Cowley – Chief Executive Officer
Barry Cant – General Manager, Urban and Community
Martin Cooper – General Manager, Corporate and Development

The Mayor delivered the statement of acknowledgement of Country, acknowledging that the land being met on is the traditional lands for Kaurna people, and formally paid respect to and acknowledged the Kaurna people as the original custodians of the land.

The Mayor acknowledged those who gave their lives for this Country.

The Mayor read the opening prayer.

The Mayor advised of the relevant legislation and offences that address behaviour that disrupts a Council Meeting.

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 Jones

Leave of Absence
Nil
Confirmation of Minutes

Motion

C12473

That the minutes of the Ordinary Meeting of Council held on 25 February 2020 be taken as read and confirmed.

Moved Councillor Henschke, Seconded Councillor Daws CARRIED

Deputations

Kathleen Bairstow – Traffic Management, Beulah Park (6.1)

Petitions

Nil

Public Question Time

The Mayor invited public questions from those present in the gallery in accordance with the established rules. A summary of each member of the public and suburb, their topic, question and summary of response is provided below.

There were no questions asked during Public Question Time.

Questions on Notice

Nil

Motions on Notice

State Planning and Design Code Historic Area Overlay Inclusions – Councillor Henschke (10.1)

Motion

C12474

That Council:

1. Investigate and ascertain the potential for further suitable areas within the City of Burnside, to be included in the new State Planning and Design Code Historic Area Overlay.

2. Pending the analysis in Point 1 any appropriate findings are submitted through a new Code Amendment process to the Minister for Planning and State Government once Phase Three of the new Planning and Design Code becomes operational.

Moved Councillor Henschke, Seconded Councillor Cornish CARRIED
Questions without Notice
Nil

Motions without Notice
Nil

Reports of Officers

ITEMS NOT WITHDRAWN FOR DEBATE


Motion

C12475

That Council:

1. Adopt the following revised Policies:

   1.1 Corporate Credit Card Policy;
   1.2 Fixed Assets Financial Reporting Policy;
   1.3 General Ledger Policy;
   1.4 Internal Financial Control Framework); and
   1.5 Treasury Management Policy.

Moved Councillor Cornish, Seconded Councillor Davey CARRIED

Six Month Review of Items held in Confidence – Report to Remake and Release Items on Council Register (13.2)

Councillor Turnbull declared a material conflict of interest in accordance with Section 74 of the Local Government Act 1999 and left the Chamber at 7.30pm.

Motion

C12476

That Council:

1. Pursuant to Section 90(7) of the Local Government Act 1999, the documents in Attachment A to this report (Confidential Item Listing), are retained in confidence in accordance with the existing confidentiality orders on each of those documents, except where Council has separately resolved to release the documents by revoking the confidentiality orders as follows (and as outlined in the table at Attachment B).

   1. Topic 23.01- ‘Initiate Investigation’ dated 15 September 2009 relating to the Staff names only retained in confidence in Report and Minutes be revoked as the Report and Minutes do not contain any personal information.
2. Topic 65.06- ‘ERA Water Board Meeting Agenda of 14 July 2017 and Agenda and Minutes of 29 May 2017’ relating to the Report, ‘Attachment B – ERA Water Board Meeting Agenda and Minutes Confidential 14 July 2017’ and ‘Attachment C – ERA Water Board Meeting Agenda and Minutes Confidential Version from 29 May 2017 – refer Agenda Item 18’ be revoked as due to the passing of time other member councils of this subsidiary have released this information publicly.

3. Topic 65.07- ‘ERA Water Board Meeting Agenda and Minutes of 1 September 2017’ relating to ‘Attachment – ERA Water Agenda 1 September 2017’ and ‘Attachment – ERA Water Minutes 1 September 2017’ be revoked as due to the passing of time other member councils of this subsidiary have released this information publicly.

4. Topic 77.19- ‘Recruitment of Chief Executive Officer’ relating to the Minutes be revoked as the recruitment process has been completed and the appointment has been made and there is no reason to retain the minutes of this meeting in confidence.

Remade Orders

Confidential Topic – 4.11 CEO Resignation – Neil Jacobs

2. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C7486 and C7487 of 15 June 2009 concerning the CEO Resignation be remade on Attachment 2 and redacted information from Attachment 3 (names and identifying information) as this relates to:

1. confidential personal information regarding the employment of the Chief Executive Officer; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer.

3. It is ordered that Topic 4.11, Attachment A and Attachment B – names and identifying information be retained in confidence until 30 September 2028 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 5 - Foothills Water Company

3. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the confidential documents representing Topic 5 of the Table of Confidential Documents and Relating to Foothills Water Company be dealt with as follows:

Topic 5.01

1. The confidentiality order the subject of Resolutions (C7136, C7137) of 29 January 2008 of the Council concerning the redacted paragraph 12 of the report “Legal Action – Foothills Water Company Pty Ltd” be maintained as confidential under s90(3)(i) of the Local Government Act 1999 as it relates to litigation which the Council believes on reasonable grounds will take place.

Topic 5.03

2. The confidentiality order the subject of Resolutions (C7369, C7370) of 18 November 2008 of the Council concerning the report “Foothills Water Company Pty Ltd – Damage to Knox Terrace Skye”, Attachments A and B and paragraph
12 of Attachment C be maintained as confidential under s90 (3)(i) of the Local Government Act 1999 as they relate to litigation which the Council believes on reasonable grounds will take place.

**Topic 5.04**

3. The confidentiality order the subject of Resolutions (C7649, C7652) of 12 November 2009 of the Council concerning the report “Foothills Water Company Pty Ltd – Damage to Knox Terrace, Skye” be maintained as confidential under s90 (3)(h) and (i) of the Local Government Act 1999 as they relate to legal advice and litigation which the Council believes on reasonable grounds will take place.

**Topic 5.05**

4. The confidentiality order the subject of Resolutions (C8197, C8198) of 12 April 2011 of the Council concerning the Report “Review of Confidential Items – Foothills Water Company Pty Ltd” (relating to review of confidentiality orders in relation to Topics 5.1-5.4) and paragraph 12 of Attachment A and Attachments C and D be maintained as confidential under s90(3)(h) and (i) of the Local Government Act 1999 as they relate to legal advice and litigation which the Council believes on reasonable grounds will take place.

**Topic 5.06:**

5. The confidentiality order the subject of Resolutions (C8651, C8652, C8653) of 10 April 2012 (adjourned to 24 April 2012) of Council concerning the report “Review of Confidential Items – Foothills Water Company Pty Ltd” (relating to review of confidentiality orders in relation to Topics 5.1-5.5) and paragraph 12 of Attachment A and Attachments C and D be maintained as confidential under s90(3)(d) and (i) of the Local Government Act 1999 as they relate to commercial information of a confidential nature that could prejudice the commercial position of the person who supplied the information and litigation which the Council believes on reasonable grounds will take place.

6. The commercial information relates to confidential offers made by the Foothills Water Company, the release of which could reasonably be expected to prejudice the position of the owners of that company who transferred its infrastructure to a third party. The disclosure of this information would on balance be contrary to the public interest. The benefit to the public at large resulting from withholding the information at this time outweighs the benefit to it of disclosure of the information as this information may result in a third party receiving this information to the detriment of the previous owners of the infrastructure and discourage similar parties from entering into frank and confidential commercial discussions with the Council concerning any future disputes.

**Topic 5.07:**

7. The confidentiality order the subject of Resolutions (C9127, C9128) of 9 April 2013 of Council concerning the report “Review of Confidential Items – Foothills Water Company Pty Ltd” (relating to review of confidentiality orders in relation to Topics 5.1-5.6) and paragraphs 12 of Attachment A and Attachments C and D maintained as confidential under s90(3)(d) and (i) of the Local Government Act 1999 as they relate to commercial information of a confidential nature that could prejudice the commercial position of the person who supplied the information and litigation which the Council believes on reasonable grounds will take place.

8. The commercial information relates to confidential offers made by the Foothills Water Company, the release of which could reasonably be expected to
prejudice the position of the owners of that company who transferred its infrastructure to a third party. The disclosure of this information would on balance be contrary to the public interest. The benefit to the public at large resulting from withholding the information at this time outweighs the benefit to it of disclosure of the information as this information may result in a third party receiving this information to the detriment of the previous owners of the infrastructure and discourage similar parties from entering into frank and confidential commercial discussions with the Council concerning any future disputes.

**Topic 5.08:**

9. The confidentiality order the subject of Resolutions (C9382, C9383, C9384) of 27 August 2013 of Council concerning report “Foothills Water Company Pty Ltd” including Attachments C, D, F and G and redacted $ values in Attachments A and B and paras 15-17 in Report be maintained as confidential under s90(3)(d) and (i) of the Local Government Act 1999 as they relate to commercial information of a confidential nature that could prejudice the commercial position of the person who supplied the information and litigation which the Council believes on reasonable grounds will take place.

10. The commercial information relates to confidential offers made by the Foothills Water Company, the release of which could reasonably be expected to prejudice the position of the previous owners of that company who transferred its infrastructure to a third party. The disclosure of this information would on balance be contrary to the public interest. The benefit to the public at large resulting from withholding the information at this time outweighs the benefit to it of disclosure of the information as this information may result in a third party receiving this information to the detriment of the previous owners of the infrastructure and discourage similar parties from entering into frank and confidential commercial discussions with the Council concerning any future disputes.

**Topic 5.09:**

11. The confidentiality order the subject of Resolutions (C9509, C9510, C9511, C9512) of 26 November 2013 of Council concerning Attachments A-C of Agenda Report “Foothills Water Company Pty Ltd” and Paragraphs 15-17 and dollar values in Attachment D along with the following Sub Attachments:

i. Sub Attachments A and B – dollar values;

ii. Sub Attachments C- G;

12. be maintained as confidential under s90(3)(h) and (i) of the Local Government Act 1999 as they relate to legal advice and litigation which the Council believes on reasonable grounds will take place.

13. It is ordered that Topics 5.01, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08 and 5.09 be retained in confidence for ten years, expiring on 23 August 2030 and that this order be reviewed at least once every year at which time this order will be revoked / reviewed by the Council / Chief Executive Officer.

Confidential Topic – 12.01 OHS Matter

4. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C7550 and C7552 of 28 July 2009 concerning the report ‘OHS Matter’ be remade on the names of the staff members contained in Attachment A – Legal Advice as this relates to:
1. confidential personal information regarding employees of the council; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the staff members involved in the OHS Matter.

3. It is ordered that Topic 12.01, names of the staff members contained in Attachment A – Legal Advice be retained in confidence until 14 July 2040 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

**Confidential Topic – 14.35 Draft CEO Contract and Draft Position Description**

5. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C10273, C10274 and C10275 of 14 July 2015 concerning the Draft CEO Contract and Draft Position Description be remade on Attachment A – Draft Contract – personal details of the CEO only as this relates to:

1. confidential personal information regarding the prior Chief Executive Officer; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the prior Chief Executive Officer.

3. It is ordered that Topic 14.35 Draft CEO Contract and Draft Position Description, Attachment A – Draft Contract – personal details of the CEO be retained in confidence until 20 June 2040 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

**Confidential Topic – 14.43 CEO Performance Review 2016/2017 and CEO Remuneration Advice**

6. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C11406, C11407 and C11408 of 19 September 2017 concerning the CEO Performance Appraisal Report 2016/2017 and CEO Remuneration Advice be remade on the Report, Attachments A and B as this relates to:

1. confidential personal information regarding the employment of the prior Chief Executive Officer; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the prior Chief Executive Officer.

3. It is ordered that Topic 14.43 CEO Performance Review 2016/2017 and CEO Remuneration Advice, Report and Attachments be retained in confidence until 19 September 2025 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

**Confidential Topic – 23.02 Elected Members Code of Conduct – Behaviour Towards Members of Staff**
7. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C7643 and C7644 of 4 November 2009 concerning the ‘Elected Members Code of Conduct – Behaviour Towards Members of Staff’ be remade on the staff names contained in the report and attachments as this relates to:

1. personal information regarding the employees of the council; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of employees of the council.

3. It is ordered that Topic 23.02 ‘Elected Members Code of Conduct – Behaviour Towards Members of Staff’ names of employees of the council contained within the report and attachments be retained in confidence until 8 September 2040 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 23.03 Progress Report

8. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C7680 and C7681 of 11 November 2009 concerning the ‘Progress Report’ be remade on the staff names contained in the report and attachments as this relates to:

1. confidential personal information regarding the employees of the Council; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Council employees.

3. It is ordered that Topic 23.03 – Progress Report, names of staff members contained in the report and attachments be retained in confidence until 8 September 2040 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 23.04 – Progress Report

9. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C7682 and C7683 of 17 November 2009 concerning the ‘Progress Report’ be remade on the staff names contained within the report and attachments as this relates to:

1. confidential personal information regarding employees of the council; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of Council employees.

3. It is ordered that Topic 23.04 – ‘Progress Report’ the names of staff members contained in the report and attachments be retained in confidence until 8 September 2040 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 23.05 Elected Member Code of Conduct – Behaviour Towards Member of Staff – Legal Advice
10. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C7745 and C7746 of 15 December 2009 concerning the ‘Elected Member Code of Conduct – Behaviour Towards Member of Staff – Legal Advice’ be remade on the staff names contained within the report as this relates to:

1. confidential personal information regarding the employees of the council; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the council employees.

3. It is ordered that Topic 23.05 ‘Elected Member Code of Conduct – Behaviour Towards Member of Staff – Legal Advice’, names of staff members contained in report and attachments be retained in confidence until 8 September 2040 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 23.06 Elected Members Code of Conduct -Behaviour Towards Member of Staff – Legal Advice

11. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C7747 and C7748 of 15 December 2009 concerning ‘Elected Members Code of Conduct -Behaviour Towards Member of Staff – Legal Advice’ be remade on the names of staff members contained in report and attachments as this relates to:

1. confidential personal information regarding the employees of the council; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Council employees.

3. It is ordered that Topic 23.06 Elected Members Code of Conduct -Behaviour Towards Member of Staff – Legal Advice, names of staff members contained within the report and attachments be retained in confidence until 8 September 2040 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 23.07 Governance Panel Progress Report

12. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C7787 and C7788 of 3 February 2010 concerning the Governance Panel Progress Report be remade on the staff names contained in the report and attachments as this relates to:

1. confidential personal information regarding the employees of the Council; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Council employees.

3. It is ordered that Topic 23.07, Governance Panel Progress Report, names of staff members contained within the report and attachments be retained in confidence until 8 September 2040 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.
Confidential Topic – 45.02 Barking Dog Complaint

13. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C10027, C10029 and C10030 of 8 January 2015 concerning the Barking Dog Complaint be remade on the personal details contained in the Report and Attachment A as this relates to:

1. confidential personal information regarding the neighbours who assisted with the complaint; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the neighbours.

3. It is ordered that Topic 45.02, the personal details of neighbours contained in the report and attachment be retained in confidence until 8 November 2040 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 52.06 City of Prospect Application to become a Constituent Council of East Waste

14. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C11316 and C11317 of 25 July 2017 concerning the City of Prospect Application to become a Constituent Council of East Waste be remade on the Attachment A – East Waste Board Paper 29 June 2017 including Summary Report, Thomson Geer Review, BDO Review and Proposed Amendments to East Waste Charter and Attachment C – City of Prospect Application (letter and business case) 28 June 2017 as this relates to:

1. confidential information which would prejudice the commercial position of East Waste and constituent councils; and

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.

3. It is ordered that Topic 52.06 City of Prospect Application to become a Constituent Council of East Waste, Attachment A – East Waste Board Paper 29 June 2017 including Summary Report, Thomson Geer Review, BDO Review and Proposed Amendments to East Waste Charter and Attachment C – City of Prospect Application (letter and business case) 28 June 2017 be retained in confidence until 25 July 2025 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 52.08 Subsidiary Legal Matter

15. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C12407, C12408 and C12409 of 10 December 2019 concerning the Subsidiary Legal Matter be remade on the Report, Attachments and Minutes as this relates to:

1. confidential information which would prejudice the commercial position of East Waste and constituent councils; and
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.

3. It is ordered that Topic 52.08 Subsidiary Legal Matter Report, Attachments and Minutes be retained in confidence until 25 July 2025 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

**Confidential Topic – 53.01 Council Member Code of Conduct Complaint**

16. That pursuant to section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the Confidentiality order the subject of C10384, C10386 and C10387 of 22 September 2015 concerning Council Member Code of Conduct Complaint be remade on the Private email addresses of complainant and pages 7, 9 - 11 (inclusive) in Attachment C as this relates to:

1. confidential personal information regarding the complainant; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the *Local Government Act 1999* as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the complainant.

3. It is ordered that Topic 53.01, Private email addresses of complainant and pages 7, 9 - 11 (inclusive) in Attachment C be retained in confidence until 22 September 2040 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

**Confidential Topic – 71.03 Proposal for Ongoing Management of the Regal Theatre**

17. That pursuant to section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the Confidentiality order the subject of C11809, C11811 and C11812 of 28 August 2018 concerning the Proposal for Ongoing Management of the Regal Theatre be remade on the Report, Attachment B - Appendix B as this relates to:

1. 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 to a confidential resolution; and

2. commercial information of a confidential nature (not being a trade secret) the disclosure of which could be reasonably expected to prejudice the commercial position of the person or corporation which supplied the information or confer a commercial advantage on a third party, and to do so would be contrary to the public interest.

3. The public interest in disclosing the information is outweighed by section 90(3)(g) and (d) of the *Local Government Act 1999* as the information the disclosure of which would involve the unreasonable disclosure of information the commercial position of a person or corporation and to ensure that council does not breach any legal obligation or duty in relation to a matter subject to a confidential resolution.

4. It is ordered that Topic 71.03, Report, Attachment B – Appendix B be retained in confidence until 22 September 2025 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.
Confidential Topic – 76.08 Ongoing Complaint

18. That pursuant to section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the Confidentiality order the subject of C12123, C12124, C12125, C12126, C12127, C12128, C12129 and C12130 of 11 June 2019 concerning the Ongoing Complaint be remade on the Minutes – Resolutions C12128 and C12129 as this relates to:

1. Disclosure of information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council pursuant to Section 90(3)(i) of the Act and contains legal advice pursuant to section 90(3)(h).

2. It is ordered that 76.08, Minutes resolutions C12128 and C12129 be retained in confidence until 11 June 2025 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 77.01 Recruitment and Selection of Acting Chief Executive Officer (short term / locum arrangement)

19. That pursuant to section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the Confidentiality order the subject of CP0389, CP0390 and CP0391 of 20 June 2019 concerning the Recruitment and Selection of Acting Chief Executive Officer (short term / locum arrangement) be remade on the Attachment – CV’s of Possible Candidates for interview as this relates to:

1. confidential personal information regarding the candidates considered for the position of Acting Chief Executive Officer; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the *Local Government Act 1999* as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the candidates.

3. It is ordered that Topic 77.01 Recruitment and Selection of Acting Chief Executive Officer (short term / locum arrangement) - Attachment – CV’s of Possible Candidates for interview be retained in confidence until 20 June 2040 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 77.04 Recruitment and Selection of Acting Chief Executive Officer (short term / locum arrangement)

20. That pursuant to section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the Confidentiality order the subject of CP0400, CP0401, CP0402 and CP0403 of 1 July 2019 concerning the Recruitment and Selection of Acting Chief Executive Officer (short term / locum arrangement) be remade on the Attachment – CV’s of Possible Candidates for interview as this relates to:

1. confidential personal information regarding the candidates considered for the position of Acting Chief Executive Officer; and

2. the public interest in disclosing the information is outweighed by section 90(3)(a) of the *Local Government Act 1999* as the information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the candidates.

3. It is ordered that Topic 77.04 Recruitment and Selection of Acting Chief Executive Officer (short term / locum arrangement) Attachment – CV’s of Possible Candidates for interview be retained in confidence until 20 June 2040.
and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 80.01 Kensington Gardens Reserve South East Corner Redevelopment (Prudential Report and Project Plan)(19.1)

21. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C12170, C12171 and C12172 of 9 July 2019 concerning the Kensington Gardens Reserve South East Corner Redevelopment (Prudential Report and Project Plan)(19.1) be remade on the Attachment B – Prudential Report and Attachment D – Financial Information as this relates to:

1. 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 or confer a commercial advantage on a third party, and to do so would be contrary to the public interest, pursuant to section 90(3)(d) of the Act; and

2. information relating to tenders for the provision of services or the carrying out of works for the Council pursuant to section 90(3)(k) of the Act.

3. It is ordered that Topic 80.01 Kensington Gardens Reserve South East Corner Redevelopment (Prudential Report and Project Plan)(19.1) be retained in confidence until 9 July 2022 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 83.01 Proposed Eastern Health Authority Service

22. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of A4167, A4168 and A4169 of 19 August 2019 concerning the Proposed Eastern Health Authority Service be remade on the Report and Attachments as this relates to:

1. information relating to a tender process which has yet to be concluded; and

2. the public interest in disclosing the information is outweighed by section 90(3)(b) and (k) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of information which would prejudice the commercial position of the council subsidiary which is currently undertaking a tender process for the provision of services to the subsidiary.

3. In addition, the disclosure of this information would, on balance, be contrary to the public interest at this time. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

4. It is ordered that Topic 83.01, Report and Attachments be retained in confidence until 19 August 2022 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Confidential Topic – 83.02 Proposed Eastern Health Authority Service/Cost Review

23. That pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that the Confidentiality order the subject of C12259, C12260 and C12261 of 10 September 2019 concerning the Proposed Eastern Health Authority Service/Cost Review be remade on the Report, Attachment A and Attachment B as this relates to:
1. information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the subsidiary is proposing to conduct business, and the information would prejudice the commercial position of the Council subsidiary; and

2. the public interest in disclosing the information is outweighed by section 90(3)(b) of the Local Government Act 1999 as the information the disclosure of which would involve the unreasonable disclosure of commercial information

3. It is ordered that Topic 83.02, Report, Attachment A and Attachment B be retained in confidence until 10 September 2022 and that these orders may be revoked/reviewed by the Council / Chief Executive Officer with a review at least once every year.

Moved Councillor Davey, Seconded Councillor Davis     CARRIED

Councillor Turnbull returned to the Chamber and resumed her seat at 7.31pm.

Audit Committee Minutes – 17 February 2020 (13.3)

Motion

C12477

That the Minutes of the Audit Committee meeting held 17 February 2020 be received.

Moved Councillor Davis, Seconded Councillor Piggott     CARRIED

Subsidiaries, Regional Subsidiaries and other Organisations/Entities

Eastern Waste Management Authority

Eastern Waste Management Authority Board Meeting Minutes 20 February 2020 (14.1.1)

Motion

C12478

That the Eastern Waste Management Authority Board Meeting Minutes of 20 February 2020 be received.

Moved Councillor Lemon, Seconded Councillor Piggott     CARRIED

Eastern Health Authority

Eastern Health Authority Board of Management Meeting Agenda and Papers – 26 February 2020 (14.2.1)

Motion

C12479

That the Eastern Health Authority Board of Management Meeting Agenda and Papers of 26 February 2020 be received.

Moved Councillor Cornish, Seconded Councillor Piggott     CARRIED
Highbury Landfill Authority

Highbury Landfill Authority Board Meeting Minutes – 6 February 2020 (14.3.1)

Motion

C12480

That the Highbury Landfill Authority Board Meeting Minutes of 6 February 2020 be received.

Moved Councillor Cornish, Seconded Councillor Lemon CARRIED

ERA Water

Nil (Q2 Review Report to be presented next meeting)

Eastern Region Alliance

Nil

Brownhill Keswick Creeks (BHKC) Stormwater Board

Nil

Mayor’s Report

Motion

C12481

That the Mayor’s Report be received

Moved Councillor Cornish, Seconded Councillor Lemon CARRIED

Reports of Members, Delegates and Working Parties

Councillor Daws:
• Attended opening of Town Hall upper storey development and pump track trial at the Civic Centre.
• Met with Cr Turnbull, CEO and local resident re operations at Newland Reserve.

Councillor Henschke:
• Met with the CEO on various Ward matters including DACO fines, Dulwich Wombat crossing and development plan amendment.
• Attended ANZAC day Committee Meeting Rose Park.
• Met with Aaron Schroeder for update on Dulwich Master planning.

Councillor Huebl:
• Met with residents regarding planning reforms.
• Spoke with residents regarding Waterfall Gully Road management.
• Attended the 1.5 degrees Live! Event.
Councillor Hughes attended the pump track opening at the Civic Centre and the reopening of the Town Hall.

**Council Correspondence / Memorials**

Passing of Mrs M.G.B. (Barbara) Crompton – Mayor to provide verbal address to Chamber (17.1)

The Mayor spoke and acknowledged Mrs. Crompton and her involvement, services and contribution to the City of Burnside.

**Motion**

C12482

That the item be noted and included in the minutes this date.

Moved Mayor Monceaux, Seconded Councillor Davey CARRIED

**ITEMS WITHDRAWN FOR DEBATE**

Helicopter Landing Facility; Corner The Parade and Portrush Road – Submission following Review of Public Environment Report (13.4)

**Motion**

C12483

That Council:

1. Note the Report.

2. That pursuant to Section 46C (5) (a) (ii); of the Development Act 1993 and Regulation 63D (1) of the Development Regulations 2008, the City of Burnside provides a detailed submission to the Minister for Planning, the Hon Stephan Knoll and the Department of Planning, Transport and Infrastructure in respect of the Public Environment Report submitted by the Peregrine Corporation for a helicopter landing facility at 270 The Parade, Kensington SA.

3. That the submission address the following:

   2.1 Council’s concern that the risks to public safety associated with the proposed Development are totally unacceptable and have not been addressed by the documentation provided by the Applicant or the Department of Planning, Transport and Infrastructure.

   2.2 Council considers that the multiple sites identified as Emergency Lay Down areas across Burnside are surrounded by homes, aged care facilities, schools and public reserves in a densely populated area and as such are therefore manifestly unsuitable areas for this purpose. The catastrophic failure of a helicopter taking off or landing at 270 The Parade presents an unacceptable risk to the safety of the residents, students and businesses who inhabit and use the areas of Beulah Park, Kensington Park and Kensington Gardens in particular, during the daylight hours that a helicopter would use the sites.

   2.3 Council considers that a helicopter landing facility will have a significant adverse impact on the residential amenity for residents living in the adjacent suburb of...
Beulah Park in particular, and to the area more broadly, due to the noise emanating from Helicopters using a landing site at 270 The Parade Kensington.

Moved Councillor Davey, Seconded Councillor Hughes  CARRIED UNANIMOUSLY

Proposed Waterfall Gully Bus Service Trial (13.5)

Motion

That Council:

1. Receive and note the report.

2. Support the initiative of a community bus service to and from the Waterfall Gully car park.

3. Write to the State Government, through the appropriate agency and Minister, offering to provide the bus and to manage such a service on its behalf and seeking an amount of $60k to accommodate an initial 12 month trial period for the service.

4. Review the trial after six months to determine patronage and effectiveness and inform future budget considerations; providing a copy of any evaluation to the State Government.

5. As part of the request for financial support, seek formal approval from the State Government for the bus service to access a temporary form of a bus stop (to be provided using the funds allocated) in the Waterfall Gully car park for the duration of the trial period.

6. Write to The Honourable Vickie Chapman MP, Member for Bragg, providing a copy of this resolution and the associated funding request.

Moved Councillor Piggott, Seconded Councillor Lemon

Amendment – Motion

C12484

That Council:

1. Receive and note the report.

2. Support the initiative of a community bus service to and from the Waterfall Gully car park.

3. Write to the State Government, through the appropriate agency and Minister, offering to provide the bus and to manage such a service on its behalf and seeking an amount of $60k to accommodate an initial 12 month trial period for the service. As part of this request include the following considerations, highlighting but not limited to:

   3.1 The shared responsibility that the City of Burnside and the State Government have for Waterfall Gully environment and surroundings,

   3.2 The tourism benefits for the State that improved access to the Mt Lofty hike would provide,

   3.3 The nature of the road being the only vehicle access to State Government land that is managed by National Parks and Wildlife Services
3.4 The patronage of the park by residents from a range of council areas,

3.5 The safety concerns associated with improper use of the road by vehicles and pedestrians.

4. Review the trial after six months to determine patronage and effectiveness and inform future budget considerations; providing a copy of any evaluation to the State Government.

5. As part of the request for financial support, seek formal approval from the State Government for the bus service to access a temporary form of a bus stop (to be provided using the funds allocated) in the Waterfall Gully car park for the duration of the trial period.

6. Write to The Honourable Vickie Chapman MP, Member for Bragg, providing a copy of this resolution and the associated funding request.

Moved Councillor Huebl, Seconded Councillor Hughes CARRIED

The amended motion became the motion and was CARRIED

**Community Funding, Sponsorship and Donation Policy (New Policy) (13.6)**

**Motion**

**C12485**

That Council:

1. Receive and note the report.

2. Endorse the Community Funding, Sponsorship and Donation Policy.

3. Note the Community Funding, Sponsorship and Donation Guidelines.

4. Rescind the Community Funding Policy and Sponsorship and Donation Policy.

Moved Councillor Davey, Seconded Councillor Henschke CARRIED
Confidential Items

Minutes of CEO Recruitment, Performance Appraisal and Remuneration Review Committee – 19 February 2020 (Retained in Confidence) (19.1)

C12486

Pursuant to section 90(2) of the Local Government Act 1999, the Council orders that all members of the public, except 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 Governance Officer and the Principal Executive Officer on the basis that it will receive and consider Item 19.1 'Minutes of the CEO Recruitment, Performance Appraisal and Remuneration Review Committee– 19 February 2020'.

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 minutes of a meeting retained in confidence and relating to the approval of probation review and performance process and associated criteria / ratings for the Chief Executive Officer and the release of such information is unreasonable at this point in time.

Moved Councillor Davey, Seconded Councillor Hughes CARRIED

Motion

C12487

That the Minutes of the CEO Recruitment, Performance Appraisal and Remuneration Review Committee of 19 February 2020 be noted and received by Council.

Moved Councillor Lemon, Seconded Councillor Cornish CARRIED

Confidentiality Recommendation

C12488

1. That, having considered the matter Item 19.1 'Minutes of the CEO Recruitment, Performance Appraisal and Remuneration Review Committee– 19 February 2020' in confidence, pursuant to section 91(7) and (9) of the Local Government Act 1999, the Council orders that:

1.1 the document (minutes of meeting) relating to this agenda item remain confidential on the basis that the disclosure of this information would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) pursuant to Section 90(3)(a) of the Local Government Act 1999 as the information relates to a probation review and performance process of a staff member; and

1.4 the document (minutes of meeting) will not be available for public inspection for the period of five years at which time this order will be reviewed by the Council; and

1.5 this confidentiality order will be reviewed by the Council at least once in every 12 month period.

2. That for the item named in clause 1 and associated sub clauses, unless:
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 the Council on the matter and any recording of those discussions are also confidential.

Moved Councillor Davis, Seconded Councillor Huebl CARRIED

Other Business

Nil

Closure

The meeting concluded at 9.04pm.

Minutes confirmed this day of 2020

Mayor / Presiding Member