COUNCIL MEETING

A G E N D A

Meeting to be held in the
Civic Centre, Unley Council Chambers
181 Unley Road Unley
On Monday 26 November 2012 at 7.00 pm

MEMBERS

His Worship the Mayor L Clyne (Presiding Member)
Councillor M Hudson
Councillor J Koumi
Councillor A Lapidge
Councillor P Hughes
Councillor R Sangster
Councillor M Saies
Councillor M Hewitson
Councillor R Salaman
Councillor R Schnell
Councillor D Tipper
Councillor J Boisvert
Councillor D Palmer

ACKNOWLEDGEMENT

We acknowledge that the land we meet on today is the traditional land of the Aboriginal people and that we respect their spiritual relationship with their country.

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

PRAYER

WELCOME
COUNCIL MEETING – ORDER OF BUSINESS

<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>PAGE NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CONFLICT OF INTEREST

APOLOGIES

591 MINUTES

Minutes of the Council meeting held on Monday 22 October 2012

Minutes issued separately

PETITION

Nil

PRESENTATION

Mr Tom Baxter, Manager, Capri Theatre in relation to Item 597

DEPUTATION

Mr Dirk Sluiter, Ms Sue Howlett, Ms Heather Williams, Ms Inara Gehling will make a deputation to the Council regarding the closure of Kelvin Avenue Clarence Park.

REPORTS OF COMMITTEES

To receive and adopt or otherwise the reports and recommendations of the undermentioned Committees. The adoption of a report authorises any expenditure therein recommended.

592 Unley Business and Economic Development Committee

Minutes of meeting held on Tuesday 6 November 2012

Minutes issued separately

593 City Strategy and Policy Committee Meeting

Minutes meeting held Monday 12 November 2012

Minutes attached
<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>PAGE NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>594</td>
<td>4</td>
</tr>
<tr>
<td>City of Unley Road Safety Committee</td>
<td>Minutes meeting held Wednesday 14 November 2012</td>
</tr>
<tr>
<td>Minutes attached</td>
<td></td>
</tr>
<tr>
<td>595</td>
<td>5</td>
</tr>
<tr>
<td>MAYOR’S REPORT</td>
<td></td>
</tr>
<tr>
<td>Attachment 1</td>
<td></td>
</tr>
<tr>
<td>596</td>
<td>6</td>
</tr>
<tr>
<td>REPORTS OF MEMBERS</td>
<td></td>
</tr>
<tr>
<td>a) Items of particular interest and concern</td>
<td></td>
</tr>
<tr>
<td>b) Centennial Park Cemetery Authority</td>
<td></td>
</tr>
<tr>
<td>c) Development Matters</td>
<td></td>
</tr>
<tr>
<td>597</td>
<td>7 – 11</td>
</tr>
<tr>
<td>REPORTS OF OFFICERS</td>
<td></td>
</tr>
<tr>
<td>Capri Theatre Loan Request</td>
<td></td>
</tr>
<tr>
<td>Attachment 1</td>
<td></td>
</tr>
<tr>
<td>598</td>
<td>12 – 19</td>
</tr>
<tr>
<td>Access Request – Council Land 671 South Road Black Forest</td>
<td></td>
</tr>
<tr>
<td>Attachment 1</td>
<td></td>
</tr>
<tr>
<td>Attachment 2</td>
<td></td>
</tr>
<tr>
<td>599</td>
<td>20 – 23</td>
</tr>
<tr>
<td>Appointment of Elected Members to the Centennial Park Cemetery Authority Board</td>
<td></td>
</tr>
<tr>
<td>600</td>
<td>24 – 26</td>
</tr>
<tr>
<td>Appointment of Deputy Mayor</td>
<td></td>
</tr>
<tr>
<td>601</td>
<td>27 – 33</td>
</tr>
<tr>
<td>Review of Committee Structure</td>
<td></td>
</tr>
<tr>
<td>Attachment 1</td>
<td></td>
</tr>
<tr>
<td>Attachment 2</td>
<td></td>
</tr>
<tr>
<td>Attachment 3</td>
<td></td>
</tr>
<tr>
<td>Attachment 4</td>
<td></td>
</tr>
<tr>
<td>Attachment 5</td>
<td></td>
</tr>
<tr>
<td>Attachment 6</td>
<td></td>
</tr>
<tr>
<td>ITEM NO</td>
<td>PAGE NO</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>602</td>
<td>34 – 36</td>
</tr>
<tr>
<td>603</td>
<td>37 – 39</td>
</tr>
<tr>
<td>604</td>
<td>40 – 44</td>
</tr>
<tr>
<td>605</td>
<td>45 – 46</td>
</tr>
<tr>
<td>606</td>
<td>47</td>
</tr>
<tr>
<td>607</td>
<td>48</td>
</tr>
</tbody>
</table>

**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>PAGE NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>607</td>
<td>48</td>
</tr>
</tbody>
</table>

**QUESTIONS WITHOUT NOTICE**

<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>PAGE NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>608</td>
<td>49</td>
</tr>
</tbody>
</table>

**CORRESPONDENCE**

Correspondence received:
- Australian Irish Dancing Association Inc
- Mrs Susan Mitchell
- Parliament of South Australia
- Hon Jennifer Rankine MP
- Mr Roger Freeman
- City of Mitcham
MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

609 Notice of Motion from Councillor Tipper re Deputy Mayor 50

MOTIONS WITHOUT NOTICE

610 UNRESOLVED ITEMS 51

CONFIDENTIAL ITEMS

611 Confidentiality Motion for Item 612 – Recovery of Costs 52 – 53
612 Confidential - Recovery of Enforcement Costs – 384 Cross Road 54 – 56
613 Confidentiality Motion to Remain in Confidence Item 612 – Recovery of Costs 57 – 58
614 Confidentiality Motion for Item 615 – Centennial Park Cemetery Authority – Provision of Services 59 – 60
615 Confidential – Centennial Park Cemetery Authority – Provision of Services to Other Local Councils 61 – 64
616 Confidentiality Motion to Remain in Confidence – Item 615 – Centennial Park Cemetery Authority – Provision of Services 65 – 66

PROPOSED AGENDA ITEMS FOR DECEMBER 2012

- Elector Representation Review
- Conservation Grants
- Community Asset Review Stakeholder Feedback and Next Stage
- Goodwood Primary School Joint Use Agreement
- Signs of the Past
- Australian Day Nominations
- Council Advisory Groups
- Meeting Dates 2013
- Waste Management Report - Confidential
NEXT MEETING

Monday 10 December 2012

Peter Tsokas
Chief Executive Officer
CONFIRMATION OF MINUTES

TITLE: CONFIRMATION OF MINUTES FOR COUNCIL MEETING HELD ON 22 OCTOBER 2012

ITEM NUMBER: 591
DATE OF MEETING: 26 NOVEMBER 2012
ATTACHMENTS: NIL

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The minutes of the Council Meeting held on Monday 22 October, 2012, as printed and circulated, be taken as read and signed as a correct record.
RECOMMENDATION

MOVED:
SECONDED:

That:

1. The minutes of the Unley Business and Economic Development Committee held on 6 November 2012 be received.

2. The recommendations listed under Item 62, be adopted.
REPORT OF COMMITTEE

TITLE: MINUTES OF CITY STRATEGY AND POLICY COMMITTEE MINUTES – 12 NOVEMBER 2012

ITEM NUMBER: 593
DATE OF MEETING: 26 NOVEMBER 2012
ATTACHMENTS: NIL

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The minutes of the City Strategy and Policy Committee meeting held on Monday 12 November 2012, be received.

2. The recommendations listed under Items 140 - 143 inclusive, be adopted.
REPORT OF COMMITTEE

TITLE: MINUTES OF CITY OF UNLEY ROAD SAFETY COMMITTEE MEETING – 14 NOVEMBER 2012

ITEM NUMBER: 594
DATE OF MEETING: 26 NOVEMBER 2012
ATTACHMENTS: NIL

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The minutes of the City of Unley Road Safety Committee held on Wednesday 14 November 2012, be received.

2. The recommendations listed under Items 81 and 82 inclusive, be adopted.
MAYOR’S REPORT

TITLE: MAYOR’S REPORT FOR MONTH OF NOVEMBER 2012
ITEM NUMBER: 595
DATE OF MEETING: 26 NOVEMBER 2012
ATTACHMENTS: 1. CALENDAR OF MAYOR’S EVENTS

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
## MAYOR’S REPORT OF ACTIVITIES AND FUNCTIONS ATTENDED

### October

<table>
<thead>
<tr>
<th>Day</th>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tues</td>
<td>16</td>
<td>Unley RSL – General Meeting</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Official Opening of Carers SA New State Office for Services to Carers (Cr Hudson attended on behalf of Mayor)</td>
</tr>
<tr>
<td>Wed</td>
<td>17</td>
<td>Ride to work day</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coordinating Italian Committee Inc Annual Senior’s Luncheon</td>
</tr>
<tr>
<td></td>
<td></td>
<td>BEC AGM</td>
</tr>
<tr>
<td>Thurs</td>
<td>18</td>
<td>Meeting with LifeCareSA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Every Generation Concert – Fullarton Park</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Leadership Series with Rob Chapman</td>
</tr>
<tr>
<td>Fri</td>
<td>19</td>
<td>St John’s Lutheran School 60th Anniversary</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Carers Awareness Week</td>
</tr>
<tr>
<td>Sat</td>
<td>20</td>
<td>First Ever Exhibition about Holy Scripture of Islam: The Qur’an – Ahmadiyya Muslim Association Australia</td>
</tr>
<tr>
<td>Sun</td>
<td>21</td>
<td>Centennial Park – Open Day – Funeral Industry</td>
</tr>
<tr>
<td>Mon</td>
<td>22</td>
<td>Unley High School: School’s Chaplaincy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LG Leadership Group Meeting (City of Marion)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council Meeting</td>
</tr>
<tr>
<td>Tues</td>
<td>23</td>
<td>International Day of Older Persons 2012 (Rob Sangster attended on Mayors behalf)</td>
</tr>
<tr>
<td>Wed</td>
<td>24</td>
<td>Meeting new Chair of Centennial Park Cemetery</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mainstreet Awards Dinner</td>
</tr>
<tr>
<td>Thurs</td>
<td>25</td>
<td>LGA Conference &amp; AGM</td>
</tr>
<tr>
<td>Fri</td>
<td>26</td>
<td>LGA Conference &amp; AGM</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mayors Prayer Breakfast City of TTG</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outside the box Official Launch by Hon. Ian Hunter MLC Minister of Disabilities</td>
</tr>
<tr>
<td>Sat</td>
<td>27</td>
<td>Glendi Greek Festival</td>
</tr>
<tr>
<td>Sun</td>
<td>28</td>
<td>Goodwood Junction Upgrade Community Information Day SASMEE Park</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fern Avenue Community Garden Open Day</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unley Primary School Fete</td>
</tr>
<tr>
<td>Mon</td>
<td>29</td>
<td>Meeting with Rev Jonathan Davies Re: Remembrance Day</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Glen Osmond Road Place Activation Report – Create Consistent Streetscape</td>
</tr>
<tr>
<td>Tues</td>
<td>30</td>
<td>Annual General Meeting of Carers SA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Client Presentation of draft brand concepts- Unley regional website</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unley Road Traders AGM</td>
</tr>
<tr>
<td></td>
<td></td>
<td>COTA SA Every Generation Awards Dinner (Cr Jennie Boisvert attended on Mayors behalf)</td>
</tr>
<tr>
<td>Wed</td>
<td>31</td>
<td>Cocktail function to honour the recipients of UNESCO Adelaide Awards 2012</td>
</tr>
<tr>
<td>Day</td>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>-------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Fri</td>
<td>9</td>
<td>Tennis SA Awards Night (Cr Sangster attended on behalf of Mayor)</td>
</tr>
<tr>
<td>Sun</td>
<td>11</td>
<td>Remembrance Day Services</td>
</tr>
<tr>
<td>Mon</td>
<td>12</td>
<td>Adventure Playground – Santos Cons. Centre</td>
</tr>
<tr>
<td></td>
<td></td>
<td>City Strategy and Policy Committee</td>
</tr>
<tr>
<td>Wed</td>
<td>14</td>
<td>Research Report Official Launch on Youth</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Emerging Leaders RSL Lunch</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Planning meeting: Unley Business Breakfast 2013 Schedule</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unley Road Safety Committee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Discussion Re: Committees</td>
</tr>
<tr>
<td>Thurs</td>
<td>15</td>
<td>School Visit for Parkside Primary – Class discussion on Local Government</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Freemasons Foundation Centre for Men’s Health 5th Anniversary</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Concordia College – Valedictory Service</td>
</tr>
<tr>
<td>Sun</td>
<td>18</td>
<td>Punjabi Mela 2012</td>
</tr>
<tr>
<td>Mon</td>
<td>19</td>
<td>Meeting – Forestville Eagles</td>
</tr>
</tbody>
</table>
(a) Items of particular interest, concern or urgency

Mayor to invite the members to raise any items of particular interest, concern or urgency

(b) Centennial Park Cemetery Authority

Mayor to invite representatives on the Board of the Centennial Park Cemetery Authority to report on any relevant matters relating to the Authority.

(c) Development Matters

Mayor to invite the members to raise any development matters of concern.
DECISION REPORT

REPORT TITLE: CAPRI THEATRE LOAN REQUEST
ITEM NUMBER: 597
DATE OF MEETING: 26 NOVEMBER 2012
AUTHOR: MEGAN BERGHUIS
JOB TITLE: GENERAL MANAGER COMMUNITY
RESPONSIBLE OFFICER: MEGAN BERGHUIS
JOB TITLE: GENERAL MANAGER COMMUNITY
COMMUNITY GOAL: 1.9 Build partnerships with, and facilitate linkages between service providers, adjoining council and other spheres of government to optimise services.
2.3 Proactively develop stronger partnerships between business and Council to promote and facilitate economic development in the City.

REPRESENTORS: MR TOM BAXTER, MANAGER, CAPRI THEATRE
ATTACHMENTS: 1- LETTER DATED 6 NOVEMBER 2012 FROM CAPRI CINEMA

PURPOSE
To consider an interest free loan request from the Capri Theatre and recommend the approach to be taken.

RECOMMENDATION
MOVED:
SECONDED:

That:
1. The report be received.

2. An interest free loan for the amount of $51 000 be provided to the Capri Theatre to be repaid over a three-year period.

3. The Capri Theatre be formally advised of Council’s decision to provide them with an interest free loan.
BACKGROUND

The Capri Theatre is located at 141 Goodwood Road, Goodwood. Built in 1941, the Theatre is owned and operated by the Theatre Organ Society of Australia (SA). The Theatre is considered by many in the community as an icon of the City of Unley and Goodwood Road, with its primary purpose being a local cinema. The Theatre continues to provide a venue for an array of activities including weddings, live music, performing arts and birthday celebrations. The Theatre is also home to the Capri Wurlitzer organ which is often played prior to movie screenings and for events and is the largest theatre organ in the Southern Hemisphere.

Unlike many other commercial cinemas, the Capri Theatre is a not-for-profit organisation. The Theatre is staffed in the main by volunteers, many of whom are residents of the City of Unley.

In relation to movie screenings, the Theatre currently operates with a 35 mm film projector, which is being phased out over the next 12 months, with film studios only supplying digital films from mid 2013 onwards. For the Theatre to continue to operate as a cinema, they need to convert their current equipment and purchase a digital projector. The Theatre has received quotes from their main suppliers with the total cost for this upgrade being $70 000 (excluding GST).

COMMUNITY ENGAGEMENT

Ongoing discussions have been held with the Manager of the Capri Theatre, Tom Baxter.

There is no further requirement for community consultation beyond continued liaison with the Theatre Manager.

DISCUSSION

Funding Proposal

As stated above, the total cost for the digital projector upgrade is $70 000 (excluding GST) and the Theatre has been successful in a grant application to Arts SA for funding of $25 536.50 to support this upgrade.

The Capri Theatre is seeking Council support of an interest free loan of $51 000 over a three-year term to meet the remaining funding requirements of the new projector.

The purchase of this equipment will ensure the continued survival of the Capri Theatre and the upgrade of the projection equipment will allow the Capri to continue to screen films and remain open for business. Without the upgrade, the Theatre would cease operation as a cinema and would ultimately force this iconic venue to close.
A letter has been received from the Capri Theatre, which outlines a loan proposal for Council consideration and their intention to repay it prior to the three-year term (Attachment 1 to Item 597/12).

Attachment 1

The upgrade will reduce the future need for a projectionist, which is currently a paid position within the Theatre, with all films and advertisements to be pre-programmed by the Theatre Manager. This would realise an estimated saving of between $40 000 - $50 000 per annum. Given this saving, it is likely that the Theatre will be able to repay the loan earlier than allowed for in the three-year period.

Equipment Lifecycle

The new digital projector has an anticipated lifecycle of 10 to 15 years and the Theatre is ensuring this future replacement is provided for within their long-term financial planning.

Loan Calculator

The following table is the proposed loan repayment schedule for the interest free loan of $51 000 over a period of three years based on two repayments per year.

<table>
<thead>
<tr>
<th>Payment Date</th>
<th>Amount to be paid</th>
<th>Balance Outstanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 June 2013</td>
<td>$8 500</td>
<td>$42 500</td>
</tr>
<tr>
<td>1 December 2013</td>
<td>$8 500</td>
<td>$34 000</td>
</tr>
<tr>
<td>1 June 2014</td>
<td>$8 500</td>
<td>$25 500</td>
</tr>
<tr>
<td>1 December 2014</td>
<td>$8 500</td>
<td>$17 000</td>
</tr>
<tr>
<td>1 June 2015</td>
<td>$8 500</td>
<td>$  8 500</td>
</tr>
<tr>
<td>1 December 2015</td>
<td>$8 500</td>
<td>Nil</td>
</tr>
</tbody>
</table>

The estimated interest cost is approximately $4 790 over the three years. This is based on the current interest rate of 5.25% available under Council’s cash advance facility with the Local Government Finance Authority.

Future Partnership Opportunities

The Theatre is open to exploring opportunities to partner further with Council, particularly in support of community and creative initiatives. This may include reward and recognition opportunities for our volunteers, cross promotions with the Library and artistic exhibitions and performances.

ANALYSIS OF OPTIONS

Option 1 – An interest free loan for the amount of $51 000 be provided to the Capri Theatre in the 2012-13 budget, and the Club repay the loan amount to Council over a three-year period.

This option provides the Capri Theatre with the remaining funding required to purchase a new digital projector. This upgrade is in response to the cessation of 35 mm film in mid 2013 to digital format and without this equipment, the cinema
would not be able to operate, ultimately resulting in the closure of the Capri Theatre.

It is likely that the loan would be repaid prior to the end of the loan period as a result of anticipated savings to be realised through the reduction of staffing of a projectionist.

This option is favoured by the Theatre who would be extremely grateful for Council’s support. In exchange, the Theatre has welcomed the opportunity to partner with Council to support community and creative initiatives.

**Option 2 – A loan of $51 000 be provided to the Capri Theatre in the 2012-13 budget, and the Theatre repay the loan amount to Council, with associated interest cost, over a three-year period.**

This option will provide similar benefits as option 1; however, the Capri Theatre would need to repay the loan, plus associated interest.

This option would not be the Theatre’s preferred approach. They have requested an interest free loan from Council.

**Option 3 – Do not provide an interest free loan, and do not commit to a provision of funding in future budgets.**

Council may wish to reject the Theatre’s request for an interest free loan.

This option is not supported, mainly as it would force the Theatre to seek other sources of funding, putting it in the precarious position whereby the Theatre may be at risk of closure. Additionally, rejection of this proposal would see a lost opportunity for Council to actively demonstrate its support of a successful community business and icon.

**RECOMMENDED OPTION**

Option 1 is the recommended option.

**POLICY IMPLICATIONS**

*Policy/Strategy*

Council’s Community Plan 2015 highlights the importance of partnering with both service providers and local businesses to optimise service options for the community and foster a prosperous city. This proposal directly aligns to these objectives: by supporting the Capri in this venture, Council is ensuring the continuance of a community icon, which promotes and celebrates cultural and artistic endeavours, provides a source of entertainment and vibrancy and offers meaningful volunteering opportunities to the City of Unley community.
Financial/Budget

The $51 000 interest free loan would have minimal impact on Council’s 2012-13 Budget. The interest incurred would be approximately $1 350 in the current period with approximately $4 790 over the three-year period based on an interest rate of 5.25%.

Administration would seek to manage this using its adopted Treasury Management Policy.

A number of precedents exist where Council has provided an interest free loan to community based organisations. Most recently Council provided a loan of $70 000 to Unley Park Bowling and Tennis Club in March 2011 for the upgrade of their courts.

CONCLUSION

The Administration supports the proposal to enter into a three-year interest free loan with the Capri Theatre to support the upgrade to the required digital projection equipment. The Theatre is a cherished community icon within the City of Unley, which adds vibrancy and activity to the Goodwood Road precinct. Council’s support of this project would secure the continuance and success of the Theatre.
6th November 2012

Mr Peter Tsakos
General Manager
Unley Council
P O Box 1
Unley SA 5061

Dear Peter,

I am writing to you with a proposal of a partnership between Unley Council and the Capri Theatre for your consideration. Approximately one year ago, the Theatre was facing an uncertain future financially. Since I have taken over the role as Manager, I have increased the business’ profitability and secured a viable financial future. The aim of the Capri Theatre is to continue to provide the Unley community and greater South Australian community with a significant (and historical) art deco venue for movies, weddings, live music, theatre, comedy and birthday celebrations. The Capri Theatre is a public beneficent institution (PBI) solely run and owned by the not-for-profit Theatre Organ Society of Australia (South Australia division) and is staffed completely by volunteers, who are largely made up of residents from the Unley Council precinct.

The Capri Theatre currently faces its biggest capital expenditure challenge in upgrading its film projector from 35mm film to digital screening. For the Theatre to remain an arts home for Unley residents, we must upgrade to digital film, in order to ensure that new release films can continue to be offered to our patrons. Currently, this part of our business accounts for approximately 95% of our revenue. 35mm Film is being phased out in 2013 and, to ensure the survival of our theatre, we must upgrade the existing equipment. Recently, the Windsor Cinema at Lockleys (Henley Beach Road) closed due to it being unable to fund the upgrade to digital film technology.

I am proposing the following support from the Council for the Capri Theatre equipment upgrade.

An interest free loan of approximately $51,000.00 with length of term 3 years.

I have recently found out that I have been successful in a grant application to Arts SA (State Government) for financial assistance to the value of $25,536.50, to assist in our digital projector upgrade. This support is a strong sign of support from the State Government and Arts SA in the business plan I am implementing at the Capri Theatre. It also reduces the financial outlay required from our budget.

The intention would be for us to pay back the loan to Council expeditiously. The benefits of this partnership for the Unley Council will be substantial. The Council will be actively helping the Capri Theatre to stay open and remain a vital arts hub for the Council area.

Please find attached a more detailed description of the impending project for the Capri Theatre. I would be happy to address a full sitting of the Unley Council to discuss the project further and to answer any queries, as well as make myself available for any subsequent meetings/negotiations in order to facilitate a positive outcome for both the Capri Theatre and the Unley Council.

I request to make a deputation to the full Unley Council at the November meeting to discuss the project, and request its support for the project.

Best regards,

Tom Baxter
Manager
Capri Theatre
(08) 8373 0391
tom@capri.org.au
Capri Theatre Equipment Upgrade Project

Project Description

The purchase of a digital projector for the Capri Theatre, which will upgrade our equipment to allow for the screening of digital films rather than via 35mm film, which is being phased out.

The film industry is going through a rapid transformation, with 35mm Film being completely phased out of the industry over the next twelve months. For a Cinema/Theatre to continue showing films, they must convert their equipment to a digital projector in the year 2013, as the studios will only be supplying digital films mid 2013 onwards. We have received quotes from the main suppliers of digital projectors (Hoyts Cinema Technology Group & Edge Digital Technology), and have chosen the Edge Digital Technology quote as being the most suitable and financially viable option for our Theatre.

Our Aims

The aim of the Capri Theatre is to continue to provide the Unley community and greater South Australian community with a significant (and historical) art deco venue for movies, weddings, live music, theatre, comedy and birthday celebrations and to provide our clients with a high level of personal customer service. The Capri Theatre is solely run and owned by the not-for-profit Theatre Organ Society of Australia (South Australia division), and houses the largest theatre organ in the Southern Hemisphere.

Project Objectives

- To offer local residents and all South Australians a unique and heritage listed location to view film screenings;
- To continue to increase patronage of the Theatre, by marketing the 750-seat venue to fundraising groups for new release movie group hires, our most successful revenue source;
- Reinvest revenue into the Theatre’s infrastructure and business development, including the purchase of a digital projector, to ensure a sustainable future;
- Develop the diverse use of the theatre, and listing it as a Fringe Festival venue;
- Continue to provide a local venue for Unley Council residents to volunteer at – with the theatre being staffed by volunteers, it is a major hub for the community to engage and build relationships with people from their local area;
- Provide a venue for South Australian artists (including local film students) to gain experience in such a grand setting, with the ability to show digital film.

Perceived Benefits

Quite simply, this project will ensure the survival of the Capri Theatre. As other independent cinemas have recently closed (ie. The Windsor Theatre at Lockleys) due to not being able to afford the cost of installing a digital projector, the upgrade of the projector equipment will allow the Capri Theatre to continue to show films (its primary purpose) and remain open for business. The Theatre’s main revenue stream is from showing films for the public, charity and not-for-profit groups, fundraising groups, school groups, local businesses and corporate groups. Without the ability to show film, the Theatre’s business will not be commercially viable and could not continue when 35mm film is unavailable. **The Theatre’s wage expenditure will be significantly reduced by purchasing and installing a digital projector, as no projectionist will be required. and all films/advertisements will be computer programmed by the Theatre Manager.**
Equipment Details

Digital Projector—once-off purchase to upgrade the theatre equipment to digital film costing approx. $70,000 (Excludes GST). The lifecycle of equipment will be 10 to 15 years, and the Capri Theatre is setting aside provisions for this. The digital projector will be used at the Capri Theatre on a daily basis. The security of the projector will be maintained by our current alarm sensor system that is state of the art, and maintained by Alarm Net Logic. Our fire alarm is monitored directly by the South Australian Metropolitan Fire Service.
(Estimated saving of $40,000-$50,000 per annum)

Our planned approach demonstrates long-term sustainability of the digital projector upgrade

The digital projector upgrade has been planned thoroughly. Funds from the increase in revenue over the past 12 months have also been put aside in a separate savings account, in order to aid in the purchase of the new equipment. The Manager of the Capri Theatre recently attended the AIMC (Australian International Film Convention) to meet with digital projector suppliers in order to discuss the project.

Significant capital improvement works demonstrates how the project relates to our business, cultural & arts plan

The equipment purchase of the digital projector is critical to the Theatre's business, cultural and arts plan. For the Theatre to remain viable and to survive as not just Unley Council’s but Adelaide’s only not-for-profit movie theatre, it must be able to show films in digital format, as this is the only format film studios will be providing film to exhibitors from 2013. The Theatre’s ability to effectively deliver arts & cultural programs will be enhanced significantly by the purchase of the digital projector. The equipment purchase is absolutely critical to the Theatre to be able to offer film screenings for the local community, fundraising groups, corporate groups, local film makers and artists.

The Future

The broader community accesses and enjoys arts and cultural activities at the Theatre at present. These numbers are projected to increase over the next 12-24 months, in line with the Business Development strategies that are being rapidly implemented at the Theatre. Since the employment of a new Manager with extensive marketing and management experience twelve months ago, the Capri Theatre has introduced a new membership club ('The Capri Club'), has increased group hires of the theatre by 130% and has increased revenue by approximately 50%. The development of the business is continuing, with current plans to implement a new website and ticketing system, and to introduce a monthly E-Newsletter which will be sent to mailing lists and the local community. The website will promote and increase web-based traffic for the business and increase subsequent interest in the venue. These opportunities will only come to fruition if the Capri Theatre can purchase a digital projector and provide its core business to the community.

Our Activities

Total attendance- 70,000 approximate (per annum)
Estimated Total attendance once project is completed 77,000 approx
Number of performances (past 12 months) 100 approx
Est number once project is complete 100 approx

Our Theatre will have an extensive 12 months of cultural and arts activities. Included will be films, live comedy (Fringe Festival), annual school concerts, Theatre Organ concerts, live music productions, weddings, birthday celebrations, special events.
DECISION REPORT

REPORT TITLE: ACCESS REQUEST – COUNCIL LAND 671 SOUTH RD BLACK FOREST

ITEM NUMBER: 598

DATE OF MEETING: 26 NOVEMBER 2012

AUTHOR: MARK CLARKE

JOB TITLE: MANAGER ASSETS & SUSTAINABLE LANDSCAPES

RESPONSIBLE OFFICER: JOHN DEVINE

JOB TITLE: GENERAL MANAGER ASSETS AND INFRASTRUCTURE

COMMUNITY GOAL:
2.3 Proactively develop stronger partnerships between business and Council to promote and facilitate economic development in the City.
3.7 Ensure the long term management of all Council assets.

REPRESENTOR/S:

ATTACHMENTS:
1 - AERIAL PHOTO MARKED ‘CAR PARK ACCESS’ 669 SOUTH RD BLACK FOREST
2 – PHOTOS (2) OF 671-669 SOUTH RD BLACK FOREST

PURPOSE
To provide options for Council’s consideration regarding a formal request by the property owner of 669 South Road Black Forest (Island Holdings Aust Pty Ltd), to enable vehicle access to the rear of their property through the adjacent Council owned land (671 South Road Black Forest).

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.

2. Council grant Island Holdings Aust Pty Ltd a fixed term Right of Way across Council car park at 671 South Road Black Forest, provided
Island Holdings Aust Pty Ltd agrees to pay (to Council) an annual license fee of $3 000 total, plus GST, (indexed to CPI), being the commercial rental value of two suburban area public car park spaces.

3. If an annual license fee of $3 000 total, plus GST (yearly indexed to CPI), is not agreed to then no fixed term Right of Way to be granted and traffic measures to stop access to 669 South Road via Council land be installed.

BACKGROUND

Council purchased the vacant land at 671 South Road, Black Forest in March 2004. At the time of purchase this was seen as a way to assist the Black Forest Primary School address traffic management problems around the school, as well as to provide additional designated car parking for the local shopping district (Attachments 1 and 2 to item 598/12).

Attachments 1 & 2

Island Holdings Aust Pty Ltd, the owners of 669 South Road (directly adjacent the Council Land), have, since 2004, accessed the rear of their property from the 671 South Road Council car park, without authorisation.

Over the last number of years, the administration has attempted unsuccessfully to resolve the unauthorised access over the 671 South Road Council car park with Island Holdings Aust Pty Ltd. Despite Council installing various preventative traffic management devices on the Council Land, unauthorised access has continued.

In June 2012, Island Holdings Aust Pty Ltd formally requested to be granted a Right of Way and a Land Management Agreement for vehicle access across the 671 South Road Council car park.

COMMUNITY ENGAGEMENT

Council has discussed the issue with the owner of 669 South Road Black Forest to seek clarification of their intentions for continued use to their rear property car park.

Council has also written to, and had general discussions regarding the usage of the 671 South Road property with the Principal of the Black Forest Primary School. The meeting was to seek the School’s views given the School community is a major user of the Council car park especially in regard to pedestrian and vehicle movement safety.
DISCUSSION

The car park has the capacity to accommodate up to 32 car parking spaces and random inspections has seen that the site is well used, often at near or full capacity mostly around school start and finish times including Saturdays for school sports.

In 2009, Council received a retrospective development application from Island Holdings Aust Pty Ltd for the change of use to offices, including internal alterations and rear car park of 699 South Road.

During discussions held between Council and Island Holdings Aust Pty Ltd in relation to their application, Island Holdings were informed a right of way over the Council owned car park to enable access to their rear car park would not be supported.

Consequently, the development application was amended and details in relation to any association with the vehicle access to the rear yard via Council's car park was removed. The development application was then approved.

The completed work at 669 South Road Black Forest resulted in a private car parking area located at the rear of the premises that could accommodate up to 6 to 8 cars. However, there is no direct vehicle access to this area from South Road – access is only possible from the 671 South Road Council car park.

The company has installed tubular panel fencing with a sliding electronic vehicle access gate on the southern side of its premises facing the Council Land as part of these works. This enables (and restricts) access to their private car park located at the rear of their business premises at 669 South Road. The installation of the gate and fence has been undertaken without any consultation with, or authorisation by Council.

It is worth noting that the fence and gate do not by themselves require Council approval as they are less than 2.1m high and therefore are not classified as development (Pursuant to Schedule 3 (4) (f) of the Development Regulations).

The installation of the fence and vehicle access gate by the property owner has resulted in the loss of at least two potential car parking spaces within the Council car park.

Island Holdings Aust Pty Ltd, has now formally requested that Council grant a Right of Way and a three year Land Management Agreement, to access their rear car park over the 671 South Road Council car park.

In return, Island Holdings Aust Pty Ltd has proposed to give access to the general public of up to three of its rear private car park spaces. This would be seen as compensation for the loss of the two public car parks in the Council car park (to enable the requested Right of Way).

(This is page 14 of the Council Agenda Reports for 26 November 2012)
There are a number of issues identified with the proposal suggested by Island Holdings Aust Pty Ltd. These include:

- Vehicle access by the general public to and from the three rear private car parks will at most times be difficult, due to the limited turning area especially when their car park is at, or, near capacity.
- These car parking spaces could easily be perceived as private car parking spaces by the general public and as such not utilised.
- The existing vehicle access gates close electronically, resulting in restricted access.
- Entry to and from the private car park is restrictive due to the need to access this area through Council land. This would limit the use of the three spaces by the general public.
- There would be a continued loss of two parking spaces within the Council owned property to enable access via the gate.

The Administration have now formed the view that the difficulties identified in the proposal by Island Holdings Aust Pty Ltd must be considered in any future treatment negotiations. These concerns may prevent this approach from being a satisfactory course of action for Council to pursue.

Alternative options considered include allowing access to the privately owned car park through the Council owned property by granting a Right of Way only. This would address Island Holdings Aust Pty Ltd needs, however it would result in the continued loss of two car park spaces within the 671 South Road Council car park.

Financial compensation may be considered for the loss of the two car park spaces by applying an annual commercial rental contribution that would assist fund Council’s loan debt for the purchase of the land.

The Administration has sought advice from a land valuation company on a commercial rate that would apply to an open air car park space within this location. The advice provided indicates that a commercial rate for a (one) car park space would be approximately $500 per annum. Therefore, to apply a commercial rental contribution of $1 000 per annum to allow access may be considered reasonable.

Accordingly, by entering into this type of an arrangement with the adjacent property owner, this may effectively enhance the value of the 699 South Road property by the way of permanent on site car parking facility.

An estimated value of an onsite car park could be rated at around $30 per week, or $1 500 per annum. It is therefore arguable that the 6 to 8 on site car parks may have a value of between $9 000 to $12 000 per annum.

However, taking into consideration the availability of parking within the surrounding streets and Council owned land including the current commercial climate, this type of value may not be realised.

(This is page 15 of the Council Agenda Reports for 26 November 2012)
The loss of the two council car parks could be considered in the same way which would increase the commercial rental contribution to $1,500 for (one) car park space and $3,000 for (two) car parks per annum.

Council may also wish to consider the option not to support the request by Island Holdings Aust Pty Ltd for vehicle access across the Council car park.

This may result in the continued unauthorised access over the 671 South Road Council car park and as such would require Council to put in place permanent traffic control measures to stop such access i.e. wheel stops and fixed bollards. This would secure the two (currently lost) parking spaces on the 671 South Road Council car park.

However, by pursuing this course of action, there is potential that the 6 car parking spaces currently being used by staff and visitors within the 669 South Road private car parking area would be forced to use the 671 South Road Council car park for parking. This would obviously reduce the spaces available to the school and car parking for the local shopping district.

**ANALYSIS OF OPTIONS**

Option 1 – Council grant Island Holdings Aust Pty Ltd a fixed term Right of Way across the Council car park at 671 South Road Black Forest.

This Right of Way would be subject to Island Holdings Aust Pty Ltd paying (to Council) an annual license fee of $3,000 (in total, plus GST, yearly indexed to CPI), being the commercial rental value of two suburban area public car park spaces.

If an annual license fee of $3,000 total, plus GST, (yearly indexed to CPI), being the commercial rental value of two suburban area public car park spaces is not agreed, then traffic measures to stop access to 669 South Road via Council land are to be installed.

**Advantages**
- This will allow the occupier of 669 South Rd Black Forest to legally access its rear car park at all times.
- Formalises the current ‘ad hoc’ unauthorised arrangement for access to the private rear property across the Council car park.
- Provides annual compensation of commercial rental value to Council.

**Disadvantages**
- There would be a loss of two parking spaces within the Council car park.
- The Black Forest Primary School has expressed concerns regarding safe pedestrian and vehicle access to and from the school by allowing vehicle access across the Council Land to the rear private car park at 669 South Rd Black Forest.

(This is page 16 of the Council Agenda Reports for 26 November 2012)
Option 2 – Council grant Island Holdings Aust Pty Ltd a fixed term Right of Way across the Council car park subject to a Land Management Agreement to allow access to 3 parking spaces at the rear of their property.

Advantages

- This will allow the occupier of 669 South Rd Black Forest to legally access its rear car park at all times.
- Formalises the current ‘ad hoc’ unauthorised arrangement for access to the private rear property across the Council car park.
- Access to three parking spaces at the rear of 669 South Road, the 669 South Road private car parking area, in compensation for the loss of two parking spaces within the Council car park.

Disadvantages

- There would be a loss of two parking spaces within the Council car park.
- Vehicle access by the general public to and from the three rear private car parks will at most times be difficult, due to the limited turning area especially when their car park is at near capacity.
- The existing vehicle access gates are an electronically closing system, resulting in access not always being possible.
- Access to and from the private car park is restrictive due to the need to access through the Council car park. This in turn would limit the use of the three spaces by general public.
- These car parking spaces could easily be perceived as private car parking spaces by the general public and as such not utilised.
- The Black Forest Primary School has expressed concerns regarding safe pedestrian and vehicle access to and from the school by allowing vehicle access across the Council car park to the rear private car park at 669 South Rd Black Forest.

Option 3 – Council not Grant a Right of Way and a Land Management Agreement and install traffic measures to stop access to 669 South Road via Council car park.

Advantages

- Addresses the unauthorised vehicle access across the Council car park.
- Does not restrict Council’s ability to consider other options for possible land use in the future.
- The safety concerns expressed by the Black Forrest Primary School would be addressed.
- Staff and visitors to 669 South Road will have the ability to use the Council car park.
Disadvantages
- This will result in the loss of access to the rear of 669 South Road private car parking area for Island Holdings Aust Pty Ltd.
- Vehicles previously using 669 South Road’s parking area may now use Council’s car park and take up additional parking spaces.

RECOMMENDED OPTION
Option 1 is the recommended option.

POLICY IMPLICATIONS

Financial/budget
- There are no significant financial expenditure implications with the recommendations from this report.
- Option 1 provides a potential annual income as detailed in the report.
- There would be a legal cost to establish a license and or LMA of approximately $1 300. This cost is to be met by Island Holdings Aust Pty Ltd.

Legislative / Risk Management
The proposed licence will be developed in accordance with Council policy and legislative requirements for the licensing of community land. The licence will be prepared in conjunction with Council's legal advisers.

CONCLUSION
Council purchased the vacant land at 671 South Road, Black Forest in March 2004 to convert the area into a local area parking, for use by the Black Forest Primary School community and visitors to the adjoining shopping area on South Road.

Since 2004, the Council Land has been used as a car park, by the community of the Black Forest Primary School, as well as local shoppers.

The owners of the property adjacent to the Council owned car park at 669 South Road have installed a tubular fence with a vehicle access electronic sliding gate on the southern side of their premises facing the Council Land, to enable the company to at all times access their private car park at the rear of the business premises. The installation of the fence and gate and the subsequent access across the Council Land has been undertaken without any formalised Right of Way or consent by the Council (noting that the fence and gate itself does not alone require Council approval).

Over the last number of years Administration has tried to resolve this matter without a satisfactory resolution.
Endorsement of option 1, ensuring both parties agree to the terms and conditions, would resolve the unauthorised access over the 671 South Road Council car park and provide access to the rear access to 699 South Road, whilst compensating Council for the loss of two car park spaces.

However, if agreement can not be achieved then option 3, to not grant a Right of Way or a Land Management Agreement and install traffic measures to cease access to 669 South Road via Council car park, will address the continued unauthorised access over the 671 South Road Council car park.
ACCESS TO PROPERTY

PROPOSED ADDITIONAL 3 PARKING SPACES

BLACK FOREST

671

43-47

659

663-667

Car park Black forest
669 South Road, Black Forest

Access from Adjoining Council Property
DECISION REPORT

REPORT TITLE: APPOINTMENT OF ELECTED MEMBERS TO THE CENTENNIAL PARK CEMETERY AUTHORITY BOARD

ITEM NUMBER: 599

DATE OF MEETING: 26 NOVEMBER 2012

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO THE CEO

RESPONSIBLE OFFICER: STEPHEN FAULKNER

JOB TITLE: GENERAL MANAGER PEOPLE AND GOVERNANCE

COMMUNITY GOAL: GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.

REPRESENTOR/S: N/A

ATTACHMENTS: NIL

PURPOSE

To endorse the appointment of two Elected Members to the Board of Management of the Centennial Park Cemetery Authority.

RECOMMENDATION

MOVED: 

SECONDED:

That:

1. The report be received.

2. Council appoint the following Elected Members to be the City of Unley’s Elected Member representatives on the Board of Management of the Centennial Park Cemetery Authority:

   a) Councillor ________________
   
   b) Councillor ________________
3. The City of Unley Elected Member representatives of the Board of Management of the Centennial Park Cemetery Authority shall be appointed commencing 30 November 2012, until the end of the current term of Council, unless such an appointment is revoked by the Council.

BACKGROUND

The Board of the Centennial Park Cemetery Authority comprises two (2) elected representatives from the City of Unley, two (2) elected representatives from the City of Mitcham and three (3) independent persons who have been selected for their skills and knowledge.

The Elected Member representatives from the City of Unley (Councillor Lapidge and Councillor Hudson) were appointed to the Board for a period of two years from 29 November 2010 up to 29 November 2012. The term of office for these two Elected Members is soon to expire.

COMMUNITY ENGAGEMENT

There is no requirement to undertake community consultation on this matter.

DISCUSSION

Centennial Park Cemetery Authority (CPCA) is a regional subsidiary that was established by the Cities of Mitcham and Unley pursuant to Section 43 of the Local Government Act. The primary objective of the Authority is to ensure that the assets and facilities at Centennial Park are maintained and operated in an efficient manner, delivering effective and sustainable service provision for the constituent Councils and customers of Centennial Park.

Elected Members are entitled to a sitting fee of $4 500 per annum as a member of the Centennial Park Board of Management.

ANALYSIS OF OPTIONS

Option 1 – Appoint two Elected Member representatives to the Centennial Park Cemetery Authority Board for a period of two years from 30 November 2012 until the end of the current term of Council.

The appointment of representatives to the Centennial Park Cemetery Authority Board will ensure Council’s continuing involvement with this group.
In particular, Clause 2.3 of the CPCA Charter stipulates that there will be two representatives on the Board of Management from among the Elected Members of the City of Unley.

Without representation on the Board of Management the Council would have limited ability to have input into the ongoing management and operations of the Authority.

**RECOMMENDED OPTION**

Option 1 is the recommended option.

**POLICY IMPLICATIONS**

Council is obligated to nominate a representative to the CPCA, in line with the Charter of the Authority.

**CONCLUSION**

The City of Unley had two Elected Member representatives on the CPCA Board. The appointments were for a period of two years concluding on 29 November 2012. Council will need to endorse representatives from the elected member body to represent the Council on the CPCA Board from 30 November 2012 until the end of the current term of Council.
DECISION REPORT

REPORT TITLE: APPOINTMENT OF DEPUTY MAYOR
ITEM NUMBER: 600
DATE OF MEETING: 26 NOVEMBER 2012
AUTHOR: CAROL GOWLAND
JOB TITLE: EXECUTIVE ASSISTANT TO CEO
RESPONSIBLE OFFICER: PETER TSOKAS
JOB TITLE: CHIEF EXECUTIVE OFFICER

COMMUNITY GOAL: GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.

REPRESENTOR/S: NIL
ATTACHMENTS: NIL

PURPOSE

To appoint a Deputy Mayor for the City of Unley.

RECOMMENDATION

MOVED: SECONDED:

That:

1. The report be received.

2. A Deputy Mayor be appointed commencing 1 December 2012 for the remainder of the Council term, unless such appointment is revoked by Council.

3. A budget variation of $3 734 be submitted at the next Budget Review.
BACKGROUND

Section 51 of the Local Government Act 1999 stipulates that if the Council has a Mayor, there may also be a Deputy Mayor, if the Council so resolves.

The position of Deputy Mayor is reimbursed at 1.25% of the Elected Members’ allowance (currently $18 670 per annum) as stipulated by the Remuneration Tribunal (unless the Elected Member declines to accept payment of an allowance as per Section 76(12) of the Local Government Act.

During the previous term of Council (from 2006 - 2010) two Councillors were appointed as Deputy Mayor for term of 2 years each.

In December 2010 (item 21/10) the newly Elected Council chose not to have a Deputy Mayor.

In June 2011 the Mayor’s Report indicated support for a Deputy Mayor but requested that a further report be presented to the Council later in the year.

This report undertakes the Mayor’s request to present this topic for discussion and the facilitation for Elected Members to elect from amongst themselves a Deputy Mayor.

COMMUNITY ENGAGEMENT

There is no requirement to undertake community engagement or consultation on this matter.

DISCUSSION

Under Section 51 of the Local Government Act 1999, the Deputy Mayor, principal advisor to the Mayor, is to be chosen by the Council from amongst themselves and will hold office for a term determined by Council.

To elevate the perception of Council within the community the position of Deputy Mayor ensures that there is an Elected Member available to officially represent the Mayor when he is unavailable to conduct his duties. It provides opportunities for strengthened relationship building between the Mayor and Deputy including the ability to develop and provide support whilst co-counselling on a one-on-one basis across the myriad of issues that Council deals with daily.

Tasks that the Deputy Mayor would be expected to undertake may include hosting receptions, attending civic or local government meetings, performing citizenship ceremonies, presiding over Council meetings and other duties as required.
ANALYSIS OF OPTIONS

Option 1 – A Deputy Mayor be appointed from December 2012 – until the end of the current term of Council, unless such appointment is revoked by Council. Councillor ______________ be appointed as Deputy Mayor for this period. Additional expenditure of $3,734 be approved.

The Mayor has indicated his support for a Deputy Mayor for the remainder of the Council term. This option will provide learning and development opportunities for an Elected Member over the remaining term of Council.

Option 2 – Two Deputy Mayors be appointed for one year terms each for the remaining two years of Council, and that Councillor ______________ be appointed as Deputy Mayor for a period of one year from 1 December 2012 to 30 November 2013, unless such appointment is revoked by Council.

The appointment of two Deputy Mayors for two consecutive yearly terms will provide learning and development opportunities for two Elected Members over the remaining term of Council.

Option 3 – No Deputy Mayor be appointed.

RECOMMENDED OPTION

Option 1 is the recommended option.

POLICY IMPLICATIONS

There are no policy implications associated with this decision.

Changes to Section 76 of the Local Government Act 1999 and the introduction of the Local Government (Members Allowances and Benefits) Regulations 2010 (that commenced operation on 15 November 2010) now provide for the Deputy Mayor of a Council to receive an increased allowance of $18,670 (which is 1.25 times the annual allowance for Elected Members of Council. This allowance is to be paid, unless the Member declines to accept payment of the allowance (either in whole or in part).

CONCLUSION

The Local Government Act 1999 provides that a Deputy Mayor may be chosen from amongst the Council. This report facilitates the potential endorsement of a Deputy Mayor for the City of Unley.
**DECISION REPORT**

**REPORT TITLE:** REVIEW OF COMMITTEE STRUCTURE  
**ITEM NUMBER:** 601  
**DATE OF MEETING:** 26 NOVEMBER 2012  
**AUTHOR:** CAROL GOWLAND/ KERRY LOUGHHEAD  
**JOB TITLE:** EXECUTIVE ASSISTANT TO CEO / ACTING MANAGER GOVERNANCE  
**RESPONSIBLE OFFICER:** PETER TSOKAS  
**JOB TITLE:** CHIEF EXECUTIVE OFFICER  
**COMMUNITY GOAL:** GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.  

**REPRESENTOR/S:**  
**ATTACHMENTS:**  
1. CODE OF PRACTICE MEETING PROCEDURES  
2. COMMUNITY AND CULTURE COMMITTEE – TERMS OF REFERENCE  
3. DEVELOPMENT STRATEGY AND POLICY COMMITTEE – TERMS OF REFERENCE  
4. INFRASTRUCTURE AND PROJECTS COMMITTEE – TERMS OF REFERENCE  
5. AUDIT COMMITTEE – TERMS OF REFERENCE  
6. UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE – TERMS OF REFERENCE  
7. CEO PERFORMANCE REVIEW COMMITTEE – TERMS OF REFERENCE  
8. COSTING OF COUNCIL AND COMMITTEES
PURPOSE

To seek Council endorsement for a new Committee structure.

To seek endorsement of the changes to the Code of Practice Meeting Procedures, Council Policy COU004.

To seek endorsement of Terms of Reference for Council Committees.

To appoint Elected Members to positions on Committees for the remainder of the term of Council.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.

2a) Council schedule two ordinary meetings to be held on the second and fourth Monday of each month, commencing February 2013

OR

2b) Council schedule one ordinary meeting to be held on the fourth Monday of each month, commencing February 2013 with a further Council meeting to take place on the second Monday of the month, as determined by the Chief Executive Officer.

3. Council endorse the changes to the Code of Practice Meeting Procedures, Council Policy COU004 (provided in Attachment 1 to Item 601/12).


5. Council terminates the City of Unley Road Safety Committee.


7. Council adopts the Community and Culture Committee Terms of Reference (provided at Attachment 2 to Item 601/12).

8. Councillors ____________, ______________, _______________ and ______________ be appointed to the Community and Culture Committee for the period 27 November 2012 until the end of the current term of Council, unless such appointment is revoked by the Council.

(This is page 28 of the Council Agenda Reports for 26 November 2012)
9. Councillor ___________ be appointed Presiding Member of the Community and Culture Committee for the period 27 November 2012 until the end of the current term of Council, unless such appointment is revoked by the Council.


11. Council adopts the Development Strategy and Policy Committee Terms of Reference (provided at Attachment 3 to Item 601/12).

12. Councillors ____________, ____________, _____________ and _____________ be appointed to the Development Strategy and Policy Committee for the period 27 November 2012 until the end of the current term of Council, unless such appointment is revoked by the Council.

13. Councillor ___________ be appointed Presiding Member of the Development Strategy and Policy Committee for the period 27 November 2012 until the end of the current term of Council, unless such appointment is revoked by the Council.


15. Council adopts the Infrastructure and Capital Projects Committee Terms of Reference (provided at Attachment 4 to Item 601/12).

16. Councillors ____________, ____________, _____________ and _____________ be appointed to the Infrastructure and Capital Projects Committee for the period 27 November 2012 until the end of the current term of Council, unless such appointment is revoked by the Council.

17. Councillor ___________ be appointed Presiding Member of the Infrastructure and Capital Projects Committee for the period 27 November 2012 until the end of the current term of Council, unless such appointment is revoked by the Council.

18. Council adopts the updated Audit Committee Terms of Reference (provided at Attachment 5 to Item 601/12).

19. Councillors ____________ and _____________ be appointed to the Audit Committee for the period 30 November 2012 until the end of the current term of Council, unless such appointment is revoked by the Council.

20. Council adopts the updated Unley Business and Economic Development Committee Terms of Reference (provided at Attachment 6 to Item 601/12).

(This is page 29 of the Council Agenda Reports for 26 November 2012)
21. Councillors ____________, ________________ and _______________ be appointed to the Unley Business and Economic Development Committee for the period 14 December 2012 until the end of the current term of Council, unless such appointment is revoked by the Council.

22. Councillor ______________ be appointed Presiding Member of the Unley Business and Economic Development Committee for the period 14 December 2012 until the end of the current term of Council, unless such appointment is revoked by the Council.

23. Council adopts the updated CEO Performance Review Committee Terms of Reference (provided at Attachment 7 to Item 601/12).

24. Councillor ____________ be appointed to the CEO Performance Review Committee for the period 27 November 2012 until the end of the current term of Council, unless such appointment is revoked by the Council.

BACKGROUND

The current Elected Member representation on Section 41 Committees expires in November and December 2012. The Administration has taken this opportunity to review all of Council’s Committees and their Terms of Reference (Attachment 1 to Item 601/12), and as a result of a workshop held earlier in the month, the proposal for three new committees has been suggested. Furthermore, Members considered a proposal to hold two ordinary meetings of Council each month.

ATTACHMENT 1

COMMUNITY ENGAGEMENT

No community engagement is required on this matter.

DISCUSSION

To facilitate a more efficient flow of actions resulting from resolutions of Council, it has been suggested that two Council meetings be held each month, with one to be held on the second Monday of the month, and one to be held on the fourth Monday of the month.

The Council Meeting on the second Monday will not incorporate standard monthly reports, these will continue be presented to the Council meeting held on the fourth Monday of the month. By having the two Council meetings a month, this will enable the recommendations of Council to be implemented far more efficiently.
Alternatively, some Members have suggested that Council continue to meet once a month on the fourth Monday with the ability to schedule a second Council meeting on the second Monday of the month, as and if required. If a second meeting is required then Elected Members will be advised at least three clear days before the date of the meeting to allow sufficient time for notice of the meeting to be given in accordance with Section 83(1) of the Act. The argument for one scheduled meeting is based on the observation that currently some City Strategy and Policy Committee meetings have a ‘light’ agenda.

The establishment of the new committees will spread the workload of the Elected Members across a range of committees and if the committees meet bi-monthly or quarterly as recommended, this will allow Members to focus on strategic issues as well as reducing meeting commitments.

To improve efficiencies and decision making, it is proposed the following Committees be established (or continued):

1. Community and Culture Committee (New)
   Terms of Reference are provided at Attachment 2 to Item 601/12.

2. Development Strategy and Policy Committee (New)
   Terms of Reference are provided at Attachment 3 to Item 601/12.

3. Infrastructure and Projects Committee (New)
   Terms of Reference are provided at Attachment 4 to Item 601/12.

4. Audit Committee (existing)
   Terms of Reference are provided at Attachment 5 to Item 601/12.

5. Unley Business and Economic Development Committee (existing)
   Terms of Reference are provided at Attachment 6 to Item 601/12.

6. CEO Performance Review Committee (existing)
   Terms of Reference are provided at Attachment 7 to Item 601/12.

All committees will be standing committees, attracting remuneration for the Presiding Member (if an Elected Member) of 1.25 times the standard Elected Member Allowance. The Presiding Member can choose to decline the extra allowance.

The City Strategy and Policy Committee and the City of Unley Road Safety Committee are no longer required as their roles will be brought under the
Development Strategy and Policy Committee and the Infrastructure and Capital Projects Committee.

It is proposed that the three new committees be made up of Elected Members, Independent Members and the Mayor as ex officio member on each committee. Nominations from interested persons for the position of independent members for each of the committees will be advertised during the new year and a recommendation on their appointments will be brought to Council in February 2013.

It has also been suggested that independent members be paid sitting fees for attendance at meetings. Experience with the Audit Committee (and DAP) having paid independent Members has demonstrated the value of having members with specific expertise as part of the Committee. No sitting fees will be paid to Elected Members.

It is recommended that a total of four Elected Members be appointed to each of the new and existing committees. Expressions of interest for nominations from Elected Members for each of the new committees have been sought.

As part of the committee restructure, the Terms of Reference for all committees have been reviewed or are proposed to be reviewed.

**ANALYSIS OF OPTIONS**

Option 1 –
Council schedule two ordinary meetings to be held on the second and fourth Monday of each month, commencing February 2013.
OR
Council schedule one ordinary meeting to be held on the fourth Monday of each month, commencing February 2013 with a further Council meeting to take place on the second Monday of the month, as determined by the Chief Executive Officer.

Council endorse the new Committee structure as proposed. Council endorse the establishment of Committees and appointments of Elected Members to the Committees as listed in the recommendations of this report.
Council endorse the changes to the Code of Practice and Procedures at Meetings as shown in Attachment 1 to Item 601/12.

The recommendations listed 1 – 24 as shown on this report will enable the establishment of a new committee structure as discussed with Elected Members.

Option 2 – Council endorse Option 1 with amendments.

This option allows Council to conduct one or two Council meetings per month, but vary the Committee structure proposed.
Option 3 – Do not endorse the recommendations as shown in Recommendations 1 – 24.

This option means the current structure of Council and committees will continue as is.

RECOMMENDED OPTION

Option 1 is the recommended option.

POLICY IMPLICATIONS

Financial/Budget

There will be a cost of implementing the new committee structure if sitting fees are paid to independent members and presiding members are paid an increased allowance. It should be noted that Elected Members are not obligated to accept the increase in allowance if they are a Presiding Member. A costing of Council and Committees has been provided as Attachment 8 to Item 601/12.

A budget allocation for the costs of the sitting fees will take place in the next quarterly budget review.

Legislative / Risk Management

Under Section 41 of the Local Government Act, Council has the power to form a number of standing committees.

The Audit Committee is a requirement of the Local Government Act and the Development Strategy and Policy Committee is required under the Development Act.

CONCLUSION

To facilitate a more efficient flow of actions resulting from resolutions of Council, it is recommended that two Council meetings be held each month, with one to be held on the second Monday of the month or as required by the Chief Executive Officer, and one to be held on the fourth Monday of the month. The establishment of the new committees will allow Elected Members to focus on key strategic issues with input from external members.

It is recommended that Council endorse the recommendations listed 1 – 24 in this report.
## Code of Practice – Meeting Procedures

<table>
<thead>
<tr>
<th>Policy Type:</th>
<th>Council Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference Number:</td>
<td>COU 004</td>
</tr>
<tr>
<td>Responsible Division</td>
<td>People and Governance</td>
</tr>
<tr>
<td>Responsible Officer:</td>
<td>General Manager People and Governance</td>
</tr>
<tr>
<td>Legislation:</td>
<td>Local Government Act 1999</td>
</tr>
<tr>
<td>Relevant Delegations:</td>
<td></td>
</tr>
<tr>
<td>Related Policies</td>
<td>N/a</td>
</tr>
<tr>
<td>Community Goal:</td>
<td>GOE/2: Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.</td>
</tr>
</tbody>
</table>
| Council Resolution: | Item 149/ 21 August 2008 – Council  
|                      | Item 310/ 28 July 2008 – CSP        
|                      | Item 341/19 July 2010 - CSP         
|                      | Item 701/26 July 2010 - Council     
|                      | Item 31/16 May 2011 -CSP            
|                      | Item 135/23 May 2011 Council        
|                      | Item 231/22 August 2011 – Council   
|                      | Item 64/19 September 2011 – CSP     
|                      | Item 240/26 September 2011 – Council |
|                      | Item 108 CSP 14 May 2012            
|                      | Item 420 C 28 May 2012              |
| Previous Policy Number: | 48                          |
| Date Adopted:        | 26 November 2012                   |
| Review Date:         | November 2013                      |
| Attachments:         |                                    |

Deleted: Department: Corporate Services

Deleted: 28 May 2012
Deleted: May 2013
Deleted: Appendix 1 – Council Agenda Template – 2nd Monday
Deleted: Appendix 2 – Council Agenda Template – 4th Monday
Formatted: Superscript

Code of Practice – Procedures at Meetings
Code of Practice

PROCEDURES AT MEETINGS

DEVELOPED IN ACCORDANCE WITH REGULATION 7 OF LOCAL GOVERNMENT (PROCEDURES AT MEETINGS) REGULATIONS 2000

2012 - 2013

Adopted by Council: 26 November 2012
To be reviewed in: November 2013

Deleted: September 2011
Deleted: March 2011
Deleted: 2
# Code of Practice – Procedures at Meetings

## Contents

<table>
<thead>
<tr>
<th>Introduction</th>
<th>iii</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 1 - Preliminary</strong></td>
<td></td>
</tr>
<tr>
<td>1. Citation</td>
<td>1</td>
</tr>
<tr>
<td>2. Approval</td>
<td>1</td>
</tr>
<tr>
<td>3. Review</td>
<td>1</td>
</tr>
<tr>
<td>4. Interpretation</td>
<td>1</td>
</tr>
<tr>
<td>5. Guiding Principles</td>
<td>2</td>
</tr>
<tr>
<td><strong>Part 2 – Meetings of Councils and Key Committees</strong></td>
<td></td>
</tr>
<tr>
<td>6. Application of Part 2</td>
<td>2</td>
</tr>
<tr>
<td>7. Key Committees</td>
<td>2</td>
</tr>
<tr>
<td>8. Discretionary Procedures</td>
<td>3</td>
</tr>
<tr>
<td>9. Setting of Agenda</td>
<td>3</td>
</tr>
<tr>
<td>10. Officer’s Presentation of Late Material</td>
<td>4</td>
</tr>
<tr>
<td>11. Variation of Order of Agenda</td>
<td>4</td>
</tr>
<tr>
<td>12. Commencement of Meetings and Quorum</td>
<td>4</td>
</tr>
<tr>
<td>13. Adjournment of Meetings</td>
<td>5</td>
</tr>
<tr>
<td>14. Minutes</td>
<td>5</td>
</tr>
<tr>
<td>15. Reports of Members</td>
<td>6</td>
</tr>
<tr>
<td>16. Committee Reports to the Council</td>
<td>6</td>
</tr>
<tr>
<td>17. Questions</td>
<td>7</td>
</tr>
<tr>
<td>18. Petitions</td>
<td>8</td>
</tr>
<tr>
<td>19. Deputations</td>
<td>8</td>
</tr>
<tr>
<td>20. Motions</td>
<td>10</td>
</tr>
<tr>
<td>21. Amendments to Motions etc</td>
<td>11</td>
</tr>
<tr>
<td>22. Variations</td>
<td>11</td>
</tr>
<tr>
<td>23. Addresses by Members</td>
<td>12</td>
</tr>
<tr>
<td>24. Voting</td>
<td>12</td>
</tr>
<tr>
<td>25. Divisions</td>
<td>13</td>
</tr>
<tr>
<td>26. Tabling of Information</td>
<td>13</td>
</tr>
<tr>
<td>27. Adjourned Business</td>
<td>13</td>
</tr>
<tr>
<td>28. Short-term Suspension of Proceedings</td>
<td>13</td>
</tr>
</tbody>
</table>
### Part 3 – Meetings of Other Committees

<table>
<thead>
<tr>
<th>No.</th>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>29.</td>
<td>Application of Part 3</td>
<td>14</td>
</tr>
<tr>
<td>30.</td>
<td>Commencement of Meetings and Quorum</td>
<td>14</td>
</tr>
<tr>
<td>31.</td>
<td>Adjournment of Meetings</td>
<td>14</td>
</tr>
<tr>
<td>32.</td>
<td>Notice of Meetings for Members</td>
<td>14</td>
</tr>
<tr>
<td>33.</td>
<td>Public Notice of Committee Meetings</td>
<td>15</td>
</tr>
<tr>
<td>34.</td>
<td>Minutes</td>
<td>15</td>
</tr>
<tr>
<td>35.</td>
<td>Committee Reports to the Council</td>
<td>15</td>
</tr>
<tr>
<td>36.</td>
<td>Addresses by Members</td>
<td>15</td>
</tr>
</tbody>
</table>

### Part 4 – Miscellaneous

<table>
<thead>
<tr>
<th>No.</th>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>37.</td>
<td>Quorum for Committees</td>
<td>16</td>
</tr>
<tr>
<td>38.</td>
<td>Voting at Committee Meetings</td>
<td>16</td>
</tr>
<tr>
<td>39.</td>
<td>Points of Order</td>
<td>16</td>
</tr>
<tr>
<td>40.</td>
<td>Interruption of Meetings by Members</td>
<td>17</td>
</tr>
<tr>
<td>41.</td>
<td>Interruption of Meetings by Others</td>
<td>17</td>
</tr>
<tr>
<td>42.</td>
<td>Mobile Telephones</td>
<td>18</td>
</tr>
<tr>
<td>43.</td>
<td>Register of Interests (Non-Elected Members)</td>
<td>18</td>
</tr>
<tr>
<td>44.</td>
<td>Nomination/Appointment of Elected Members to Internal &amp; External Positions</td>
<td>19</td>
</tr>
</tbody>
</table>
Introduction

Sections 86(8) and 89(1) of the Local Government Act 1999 ("the Act") provide that meetings of the Council or a Council Committee will be conducted according to procedures:

prescribed by the Act;

prescribed by regulation; and

in relation to Council meetings, insofar as the procedure is not prescribed by either the Act or regulations — as determined by the Council; and

in relation to Committee meetings, insofar as the procedure is not prescribed by the Act or regulations, or determined by the Council — as determined by the Committee itself.

Part 2 of the Local Government (Procedures at Meetings) Regulations 2000 ("the Regulations") specify certain procedures to be followed during the operation of Council and certain Council Committee meetings. These meetings include:

• the meetings of the Council;

• the meetings of a Council Committee performing regulatory activities; and

• the meetings of any other Council Committee to which the Council has resolved Part 2 will apply.

The Regulations (Regulation 7) provide that the Council may develop a Code of Practice, where it chooses, to establish its own procedures in substitution for procedures under the Regulations which are expressed to allow variation.

This Code of Practice incorporates three types of procedures:

• procedures contained in the Regulations;

• procedures contained in the Regulations that are expressed to allow variation and are varied by the Council; and

• procedures on which the Council has determined both the Act and Regulations are silent and so has determined those matters itself.

Procedures that are variations of the Regulations, or concern matters on which the Act and Regulations are silent, are shown in bold and italics. Further, the terms “regulation” and “subregulation” appearing in the Regulations have been substituted with “clause” and “sub-clause” respectively for the purposes of this Code of Practice.

Note — whilst procedures contained in the Act are not incorporated into this Code of Practice, they must be adhered to in all Council and Council Committee meetings.

This Code of Practice will be available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings of the City of Unley.
In accordance with Regulation 7, the Council will review the operation of this Code of Practice at least once in every financial year. The Council may, at any time, by resolution supported by at least two-thirds of the members of the Council as a whole, alter, substitute or revoke this Code of Practice - Procedures at Meetings.

In developing this Code of Practice, the Council has at all times had regard to the Guiding Principles set out at Regulation 5 (see page 2).
Part 1  
Preliminary

1. Citation

These procedures may be cited as the “Code of Practice – Procedures at Meetings”.

2. Approval

These procedures were approved by the Unley Council on 26 November 2012.

3. Review

These procedures will be reviewed annually.

4. Interpretation

(1) In these procedures, unless the contrary intention appears—

“Act” means the Local Government Act 1999;

“clear days” — see (clause) 4.(2);

“deputation” means a person or group of persons who wish to appear personally before the Council or a Council Committee in order to address the Council or the Committee (as the case may be) on a particular matter;

“formal motion” means a motion—
(a) that the meeting proceed to the next business; or
(b) that the question be put; or
(c) that the question lie on the table; or
(d) that the question be adjourned; or
(e) that the meeting be adjourned;

“Guiding Principles” — see procedure 5;

“Member” means a Member of the Council or Council Committee (as the case may be);

“point of order” means a point raised to draw attention to an alleged breach of the Act or these procedures in relation to the proceedings of a meeting;

“Presiding Member” means the person who is the Presiding Member at a Council or Council Committee meeting (as the case may be) and includes any person who is presiding at a particular meeting;

“written notice” includes a notice given in a manner or form determined by the Council.

“reserve out” means to identify any Committee Agenda item for further debate at the next Council meeting.
2

Code of Practice – Procedures at Meetings

(2) In the calculation of ‘clear days’ in relation to the giving of notice before a meeting—

(a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and

(b) Saturdays, Sundays and public holidays will be taken into account.

5. Guiding Principles

(1) The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of the Council or a Council Committee—

(a) procedures should be fair and contribute to open, transparent and informed decision-making;

(b) procedures should encourage appropriate community participation in the affairs of the Council;

(c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;

(d) procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.

Part 2—Meetings of Council and Key Committees

Division 1—Preliminary

6. Application of Part 2

(1) The provisions of this Part apply to:-

(a) the meetings of the Council;

(b) the meetings of a Council Committee performing regulatory activities;

(c) the meetings of a ‘Key Committee’ as defined in clause 7 of this Code of Practice; and

(d) the meetings of any other Council Committee if the Council has, by resolution, determined that this Part should apply to that Committee.

7. Key Committees

(1) The following Committees are defined for the purpose of this Code of Practice as Key Committees:

(a) committees established under Section 41 of the Local Government Act 1999 will be recognised as Key Committees (standing committees) unless they are for a finite term.

(b) any other Committee that the Council resolves is a standing Committee;

(c) any Committee, which is formally established by the Council under the Act, that performs regulatory activities;
Where there is any doubt as to whether a Committee performs regulatory activities, the Chief Executive Officer will make a final determination on the matter.

8. Discretionary Procedures

(1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the Council pursuant to this procedure, then a Council may, by a resolution supported by at least two-thirds of the members of the Council as a whole, determine that a code of practice prepared or adopted by the Council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).

(a) A Council should, at least once in every financial year, review the operation of a code of practice under this procedure.

(b) A Council may at any time, by resolution supported by at least two-thirds of the members of the Council as a whole, alter a code of practice, or substitute or revoke a code of practice.

(c) A Council must, in considering the exercise of a power under this procedure, take into account the Guiding Principles.

(d) A person is entitled to inspect (without charge) the code of practice of a Council under this procedure at the principal office of the Council during ordinary office hours.

(e) A person is entitled, on payment of a fee fixed by the Council, to a copy of the code of practice.

(f) Clause 20(4) does not apply to a motion under clause (3).

(g) This procedure does not limit or derogate from the operation of clause 21.

Division 2—Prescribed Procedures

9. Setting of Agenda

(1) The following will appear at the beginning of the agenda of all Council and Committee meetings and will be read by the Presiding Member at the commencement of each Council and Committee meeting and other appropriate functions of Council;

"We acknowledge that the land that we meet on today is the traditional land of the Aboriginal people and that we respect their spiritual relationship with their country.

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

(2) There will be no item of “Other Business” on the agenda of meetings. Sufficient opportunity is afforded to Members to raise any issue in accordance with this Code of Practice and the Act.
(3) All items for inclusion in the agenda of a meeting must be given to the Chief Executive Officer at least five clear days before the date of the meeting at which the item is to be considered.

(4) Reports of Members should be restricted to items of particular interest or concern to the Council. Reports that merely register attendance or representation of the Council are to be written and handed to the minute secretary for recording in the minutes of the meeting.

(5) Decisions of Council not yet completed are to be listed at the beginning of the agenda with a very brief indication of their status and estimated time of completion, or instigation, in the case of ongoing activities.

(6) At the end of the agenda there be provided a list and a précis of officers reports currently being prepared by the administration for the next meeting of the Council or Committee (ie if to be dealt with at a committee level then they are listed in that committee’s agenda)

Clause (5) and (6) do not apply to items that are, or likely to be, confidential.

10. Officer’s Presentation of Late Material

(1) An officer’s report which has not been included in the agenda for a meeting may only be placed before the meeting where the officer responsible for the report has obtained the agreement, before the meeting, of both the Presiding Member and the Chief Executive Officer that the report be presented.

(2) The Presiding Member and the Chief Executive Officer may only grant their consent to a report being presented to a Council or Committee meeting pursuant to sub-clause (1) where, in their opinion, an urgent decision is required from the Council or Committee which cannot be delayed until the next meeting.

(3) Where the material relevant to the presentation of a late report under this clause has been supplied to Members just prior to or during a meeting, the Presiding Member must allow adequate reading time prior to consideration of the matter, in consultation with, and at the discretion of, the Members.

11. Variation of Order of Agenda

(1) The Presiding Member may, with the consent of the majority of the Council or Committee, vary the order of the agenda.

(2) Where there are members of the public present in the gallery, Council staff should (where possible) determine any agenda item(s) of particular interest to those persons and provide such information to the Presiding Member as soon as practicable (and preferably before the meeting commences).

12. Commencement of Meetings and Quorum

(1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

(2) If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a meeting, the Chief Executive Officer may adjourn the meeting to a specified day and time.
(3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of a Presiding Member, the Chief Executive Officer, will adjourn the meeting to a specified day and time.

(4) If a meeting is adjourned for want of a quorum, the Chief Executive Officer will record in the minute book the reason for the adjournment, the names of any Members present, and the date and time to which the meeting is adjourned.

(5) If a meeting is adjourned to another day, the Chief Executive Officer must—
   (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
   (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council.

13. Adjournment of Meetings

(1) Where a meeting continues to 11pm, unless there is a specific motion adopted at the meeting that it continue beyond this time, the meeting (and, hence, all remaining business) will be adjourned to a date and time specified by the Presiding Member.

14. Minutes

(1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

(2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.

(3) On the confirmation of the minutes, the Presiding Member will—
   (a) initial each page of the minutes, which pages are to be consecutively numbered; and
   (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.

(4) The minutes of the proceedings of a meeting must include—
   (a) the names of the Members present at the meeting; and
   (b) in relation to each Member present—
      (i) the time at which the person entered or left the meeting; and
      (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
   (c) each motion or amendment, and the names of the mover and seconder; and
   (d) any amendment or withdrawal of a motion or amendment; and
   (e) whether a motion or amendment is carried or lost; and
(f) any disclosure of interest made by a member; and

(g) an account of any personal explanation given by a member; and

(h) details of the making of an order under section 90(2) of the Act and a note of the making of an order under Section 91(7) of the Act in accordance with the requirements of Section 91(9); and

(i) details of any adjournment of business; and

(j) any other matter required to be included in the minutes by or under the Act or any procedure.

15. Reports of Members

(1) Where a Member makes a report to the Council under clause 9(4) of this Code, the minutes will reflect only that the Member made a report and a brief description of the matter. In all cases the Chief Executive Officer will determine the content of the brief description in his/her absolute discretion.

16. Committee Reports to the Council

(1) Committees are to report to the Council through the presentation of minutes of the Committee. The confirmed minutes must be submitted at intervals as determined by the Council.

(2) Committee reports are to be presented to the Council by the Presiding Member of the Committee where the Presiding Member is also an elected member of the Council. Where this is not the case an elected member on the Committee nominated by the Presiding Member will perform this function. In presenting the report, the Presiding Member of the Committee is to merely put the motion that the report be accepted by the Council. If the Presiding Member of the Committee considers that any recommendations in the minutes warrant special comment, then they must ‘reserve out’ such items.

(3) Where a Committee makes a recommendation that differs from an officer’s recommendation in any respect:

(a) the officer’s recommendation will be retained in the agenda and the recommendation of the Committee will be detailed in the minutes or report placed before the Council meeting; and

(b) the Committee’s recommendation will be marked with an asterisk (“*”).

(4) Where a Committee makes a recommendation to the Council which defers a particular item, the reason for the deferment will be included in the Committee’s report.

(5) A motion (where successful) to the effect that a Committee report be accepted by the Council, subject to any recommendations being reserved out, is sufficient to endorse the recommendations contained in the report as decisions of the Council.

(6) Members of the Council may reserve out any recommendation contained in a Committee report to the Council. In order to reserve out a recommendation(s), a member must notify (in writing) the Presiding Member of the relevant Committee, the Mayor, the CEO and all other Elected Members of their desire...
to reserve out the particular recommendation(s) by 7.00 pm on the Saturday immediately preceding the Council meeting at which the report is to be presented. The CEO will ensure that the item is reserved out at the Council meeting.

(7) For the purposes of sub-clause (6), a Member may give notice where the Member is also a member of the relevant Committee, by stating their desire to reserve out the recommendation(s) at a Committee meeting. A Member may not reserve out the recommendation(s) prior to the Committee meeting occurring.

(8) Items which are ‘reserved-out’ will be individually considered and deliberated at the relevant Council meeting).

(9) The actual process of ‘reserving out’ a Committee recommendation at a Council meeting is as follows;

The presiding member of the relevant Committee will move the original Committee recommendation that has been ‘reserved out’. Once the item has been seconded the Elected Member who reserved the item out will then be given the opportunity to make an amendment to the motion or foreshadow the alternative motion if the original is lost.

(10) The Presiding Member of a Committee may move a motion, or invite any other Member of the Committee to move a motion, in respect of any matter reserved out pursuant to this procedure.

(11) Where the Presiding Member of a Committee is not in favour of a particular recommendation being offered to the Council by the Committee, they may reserve out the recommendation, and request that another member of the relevant Committee present the recommendation to the Council.

17. Questions

(1) A Member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least five clear days before the date of the meeting at which the question is to be asked.

(2) If notice of a question is given under sub-clause (1)—

(a) the Chief Executive Officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and

(b) the question and the reply must be entered in the minutes of the relevant meeting.

(3) A Member may ask a question without notice at a meeting.

(4) The Presiding Member may allow the reply to a question without notice to be given at the next meeting.

(5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

(6) The Presiding Member may rule that a question with or without notice not be answered if the Presiding Member considers that the question is vague, irrelevant, insulting or improper.
(7) A Member may ask a question prior to the moving of a motion or during a debate on a motion or amendment to a motion for clarification purposes only without losing their right to speak to the motion or amendment. At the discretion of the Presiding Member, a question can be directed by any Member, irrespective of whether that Member has spoken to the motion or not, to another Member for the purpose of;

(a) Seeking clarification of that other Member’s submissions in the debate;

or

(b) Obtaining information within the intrinsic knowledge or expertise of that other Member.

(8) Members are encouraged to seek answers to questions prior to a Council or Committee meeting.

18. Petitions

(1) A petition to the Council must—

(a) be legibly written or typed or printed; and

(b) clearly set out the request or submission of the petitioners; and

(c) be addressed to the Council and delivered to the principal office of the Council.

(2) If a petition is received under sub-clause (1), the Chief Executive Officer must ensure that the petition is placed on the agenda for the next ordinary meeting of the Council or appropriate Committee of the Council (as determined by the Chief Executive Officer).

(3) Sub-clause (2) may be varied at the discretion of the Council pursuant to clause 8 of the Local Government (Procedures at Meetings) Regulations.

19. Deputations

(1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the Council) a written request to the CEO of the Council.

(2) The Chief Executive Officer must transmit a request received under sub-clause (1) to the Presiding Member.

(3) The Presiding Member may refuse to allow the deputation to appear at a meeting.

(4) The Chief Executive Officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

(5) If the Presiding Member refuses to allow a deputation to appear at a meeting, the Presiding Member must report the decision to the next meeting of the Council or Council Committee (as the case may be).

(6) The Council or Council Committee may resolve to allow a deputation to appear despite a contrary ruling by the Presiding Member.
(7) A Council may refer the hearing of a deputation to a Council Committee.

(8) **A deputation must not exceed five minutes except with the consent of the Council or Committee.**

20. Motions

(1) A Member may bring forward any business in the form of a written notice of motion.

(2) The notice of motion must be given to the Chief Executive Officer at least five clear days before the date of the meeting at which the motion is to be moved.¹

(3) **Where a Member who has given notice of a motion in accordance with sub-clause (2) is absent from the meeting at which the motion is to be considered, the motion will lapse unless the Council or Committee determines that it be deferred to the next meeting, or the Member has provided written authority for the notice of motion to be moved by another Member.**

(4) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last periodic election of the Council must be brought by written notice of motion.

(5) If a motion under sub-clause (4) is lost, a motion to the same effect cannot be brought—

(a) until after the expiration of 12 months; or

(b) until after the next periodic election,

whichever is the sooner.

(6) Subject to the Act and these procedures, a Member may also bring forward any business by way of a motion without notice.

(7) The Presiding Member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

(8) The Presiding Member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the Council or Council Committee (as the case may be).

(9) **A motion without notice (unrelated to an agenda item of business) will not be accepted for debate at the meeting at which it is brought forward unless:**

(a) the Presiding Member determines that the matter is one of urgency; or

(b) in the opinion of the Presiding Member, the motion relates to an issue that does not require substantive information in order to make an informed decision on the motion.

(10) **Where a motion without notice is not accepted for debate in accordance with sub-clause (9), it is to be deferred to the next Council or Committee meeting where it will be treated as a notice of motion in accordance with sub-clause (2).**

Enc: ¹ The motion will have background information and officers' comments where relevant.
(11) A motion will lapse if it is not seconded at the appropriate time.

(12) **A Member moving a motion will speak to the motion at the time of moving the motion.**

(13) **A Member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion until a later stage of the debate. Where a Member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion.**

(14) A Member may only speak once to a motion except—

(a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or

(b) with leave of the meeting; or

(c) as the mover in reply.

(15) A Member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

(16) **A Member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-clause (13), may not move or second an amendment to the motion.**

(17) A Member who has not spoken in the debate on a question may move a formal motion.

(18) A formal motion must be in the form of a motion set out in sub-clause (19) (and no other formal motion to a different effect will be recognised).

(19) If the formal motion is—

(a) that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or

(b) that the question be put, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the Presiding Member without further debate; or

(c) that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or

(d) that the question be adjourned, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
(e) that the meeting be adjourned, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

(20) If seconded, a formal motion takes precedence and will be put by the Presiding Member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).

(21) A formal motion does not constitute an amendment to a substantive motion.

(22) If a formal motion is lost—

(a) the meeting will be resumed at the point at which it was interrupted; and

(b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least one Member has spoken on the question.

(23) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

(24) Sub-clauses (12), (14) and (15) may be varied at the discretion of the Council pursuant to clause 7 of the Local Government (Procedures at Meetings) Regulations.

21. Amendments to Motions

(1) Subject to sub-clause 20(16), a Member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

(2) A Member moving an amendment will speak to the amendment at the time of moving the amendment.

(3) A Member seconding an amendment may elect to either speak to the amendment at the time of seconding or may reserve their right to speak to the amendment until a later stage of the debate. Where a Member seconds an amendment and reserves their right to speak to it, they will not be considered to have spoken to the amendment.

(4) An amendment will lapse if it is not seconded at the appropriate time.

(5) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

(6) If an amendment is lost, only one further amendment may be moved to the original motion.

(7) If an amendment is carried, only one further amendment may be moved to the original motion.

(8) Sub-clauses (1), (4) and (5) may be varied at the discretion of the Council pursuant to clause 7 of the Local Government (Procedures at Meetings) Regulations.

22. Variations etc
(1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

(2) The Presiding Member must immediately put the question for leave to be granted and no debate will be allowed on that question.

23. **Addresses by Members**

(1) A Member must not speak for longer than five minutes at any one time without leave of the meeting.

(2) A Member may, with leave of the meeting, raise a matter of urgency.

(3) A Member may, with leave of the meeting, make a personal explanation.

(4) The subject matter of a personal explanation may not be debated.

(5) The contribution of a Member must be relevant to the subject matter of the debate.

(6) Sub-clauses (1) and (2) may be varied at the discretion of the Council pursuant to procedure 7 of the Local Government (Procedures at Meetings) Regulations.

(7) **A Member who intends to speak at a Council meeting must stand in his or her place to signal their intention, and remain standing whilst addressing the meeting. This does not apply to Members who are ill, infirmed or otherwise incapable of standing — such Members will instead raise their hand to indicate their intention to speak (or failing an ability to do this, signal their intention to speak by some other means as agreed between the Member and the Presiding Member).**

(8) **The Presiding Member of a Committee will determine how Members are to signal their intention to speak. Members are not required to stand when addressing a Committee. Members must at all times address the meeting through the Presiding Member.**

(9) Where two or more Members indicate their intention to speak at a meeting at the same time, the Presiding Member will determine in which order the Members will be heard.

(10) Questions asked during the course of discussion or debate in a meeting that require an answer will be directed to the Presiding Member, and will not be asked directly to a Member or officer. Answers given in response to such questions will also be directed to the Presiding Member, and will not be directed to the person initiating the question.

(11) **A Member is at all times during a meeting to address and refer to another Member or an officer or employee by their official title or designation.**

(12) **A Member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another Member or to an officer or employee.**

24. **Voting**

(1) The Presiding Member, or any other Member, may ask the Chief Executive Officer to read out a motion before a vote is taken.
(2) The Presiding Member will, in taking a vote, ask for the votes of those Members in favour of the question and then for the votes of those Members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.

(3) A person who is not in his or her seat is not permitted to vote.

(4) Sub-clause (3) may be varied at the discretion of the Council pursuant to clause 7 of the Local Government (Procedures at Meetings) Regulations.

25. Divisions

(1) A division will be taken at the request of a Member.

(2) If a division is called for, it must be taken immediately and the previous decision of the Presiding Member as to whether the motion was carried or lost is set aside.

(3) The division will be taken as follows—

(a) the Members voting in the affirmative will, until the vote is recorded, stand in their places; and

(b) the Members voting in the negative will, until the vote is recorded, sit in their seats; and

(c) the Presiding Member will count the number of votes and then declare the outcome.

(4) A Member who is unable to stand due to injury, illness, infirmity, disability or other cause, must advise the Presiding Member that they require special arrangements to be made in order for their vote to be adequately signalled to those persons present, and so that such vote is accurately recorded in the minutes. The Presiding Member may, in consultation with the Member concerned, determine the manner in which the Member is to signal their vote.

(5) The Chief Executive Officer will record in the minutes the names of Members who voted in the affirmative and the names of the Members who voted in the negative (in addition to the result of the vote).

(6) Sub-clause (3) may be varied at the discretion of the Council pursuant to clause 7 of the Local Government (Procedures at Meetings) Regulations.

26. Tabling of Information

(1) A Member may require the Chief Executive Officer to table any documents of the Council relating to a motion that is before a meeting (and the Chief Executive Officer must then table the documents within a reasonable time, or at a time determined by the Presiding Member after taking into account the wishes of the meeting, and if the Member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).

(2) The Chief Executive Officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

27. Adjourned Business
(1) If a formal motion for a substantive motion to be adjourned is carried—

(a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and

(b) the debate will, on resumption, continue from the point at which it was adjourned.

(2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.

(3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.

(4) The provisions of this procedure may be varied at the discretion of the Council pursuant to clause 7 of the Local Government (Procedures at Meetings) Regulations.

28. **Short-term Suspension of Proceedings**

(1) If the Presiding Member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the Presiding Member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the Presiding Member.

(2) The Guiding Principles must be taken into account when considering whether to act under sub-clause (1).

(3) If a suspension occurs under sub-clause (1)—

(a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and

(b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—

(i) the provisions of the Act must continue to be observed; and

(ii) no act or discussion will have any status or significance under the provisions which have been suspended; and

(iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and

(c) the period of suspension should be limited to achieving the purpose for which it was declared; and

(d) the period of suspension will come to an end if—

(i) the Presiding Member determines that the period should be brought to an end; or

(ii) at least two-thirds of the Members present at the meeting resolve that the period should be brought to an end.
Part 3—Meetings of Other Committees

29. Application of Part 3

The provisions of this Part apply to or in relation to the meetings of any Council Committee that is not subject to the operation of Part 2.

30. Commencement of Meetings and Quorum

Clause 12(1),(4) and (5) of this Code of Practice apply to meetings of Committees to which this Part applies.

1) If at the expiration of 45 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member will adjourn the meeting to a specified day and time.

31. Adjournment of Meetings

Clause 13 applies to meetings of Committees to which this Part applies.

32. Notice of Meetings for Members

(1) Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a Committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

(a) that notice of a meeting of a Committee must be given in writing, at least two clear days prior to the date of the meeting;

(b) that notice will be given for each meeting separately except where the Chief Executive Officer considers that it is more appropriate in the circumstances to provide notice of multiple meetings in a single notice (for example where a series of meetings are required within a short period of time); and

(c) that, where reasonably practicable, the notice of meeting will be accompanied by the agenda and any associated papers — in the event that notice of meeting is not accompanied by the agenda and any associated papers, adequate time will be provided during the meeting for Members to read additional documents prior to discussion of them.

33. Public Notice of Committee Meetings

(1) Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

(a) that public notice need not be given for each meeting separately; and

(b) that public notice may be given by displaying a notice and agenda in a place or places determined by the Chief Executive Officer after taking into account the nature and purpose of the committee.

34. Minutes

(1) The minutes of the proceedings of a meeting must include—
(a) the names of the Members present at the meeting; and
(b) apologies; and
(c) each motion carried at the meeting; and
(d) any disclosure of interest made by a Member; and
(e) details of the making of an order under section 90(2) of the Act and Section 91(7) of the Act; and
(f) a note of the making of an order under section 91(7) of the Act in accordance with the requirements of Section 91(9) of the Act; and
(g) where a Member makes a report to the Council under Matters of Interest/Concern of this Code, the minutes will reflect only that the member made a report and a brief description of the matter. In all cases the Chief Executive Officer will determine the content of the brief description in his/her absolute discretion.

(2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

35. **Committee Reports to the Council**

Committees to which this Part applies, are subject to the same requirements and procedures as defined in clause 16.

36. **Addresses by Members**

(1) Members of a committee are not required to stand when addressing the committee.

(2) Other matters relating to the manner in which Members address or contribute to the meeting will be as determined by the Presiding Member, subject to any directions from the Council.

**Part 4—Miscellaneous**

37. **Quorum for Committees**

The prescribed number of Members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.

The prescribed number of members of a council committee is—

(a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding one; or

(b) a number determined by the Council.

38. **Voting at Committee Meetings**

(1) Subject to the Act and these procedures, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the Members present at the meeting and entitled to vote on the question.
(2) Each Member of a council who is a Member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.

(3) Each member of a council committee (regardless of whether they are also a member of the council) who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question for decision at that meeting.

(4) The Presiding Member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

39. Points of Order

(1) The Presiding Member may call to order a Member who is in breach of the Act or these procedures.

(2) A Member may draw to the attention of the Presiding Member a breach of the Act or these procedures, and must state briefly the nature of the alleged breach.

(3) A point of order takes precedence over all other business until determined.

(4) The Presiding Member will rule on a point of order.

(5) If an objection is taken to the ruling of the Presiding Member, a motion that the ruling not be agreed with must be moved immediately.

(6) The Presiding Member is entitled to make a statement in support of the ruling before a motion under sub-clause (5) is put.

(7) A resolution under sub-clause (5) binds the meeting and, if a ruling is not agreed with—

   (a) the ruling has no effect; and

   (b) the point of order is annulled.

40. Interruption of Meetings by Members

(1) A member of the Council or Council Committee must not, while at a meeting—

   (a) behave in an improper or disorderly manner; or

   (b) cause an interruption or interrupt another member who is speaking.

(2) Sub-clause (1)(b) does not apply to a Member who is—

   (a) objecting to words used by a Member who is speaking; or

   (b) calling attention to a point of order; or

   (c) calling attention to want of a quorum.

(3) If the Presiding Member considers that a Member may have acted in contravention of sub-clause (1), the Member must be allowed to make a personal explanation.
(4) Subject to complying with sub-clause (3), the relevant Member must leave the meeting while the matter is considered by the meeting.

(5) If the remaining Members resolve that a contravention of sub-clause (1) has occurred, those Members may, by resolution—

(a) censure the Member; or

(b) suspend the Member for a part, or for the remainder, of the meeting.

(6) A member who—

(a) refuses to leave a meeting in contravention of sub-clause (4); or

(b) enters a meeting in contravention of a suspension under sub-clause (5),

is guilty of an offence.

Maximum penalty: $1 250.

41. Interruption of Meetings by Others

A member of the public who is present at a meeting of the Council or Council Committee must not—

(a) behave in a disorderly manner; or

(b) cause an interruption.

Maximum penalty: $500.

42. Mobile Telephones

(1) Mobile telephones may not be used during a meeting by Members, officers, media representatives or persons in the public gallery. Mobile phones, if brought into the Council chambers, or Committee room, must be switched off before the meeting commences.

(2) If there are extenuating circumstances, a Member or officer may seek permission from the Presiding Member to leave a mobile telephone switched on in order to receive a telephone call of an urgent nature. Such approval must be sought and obtained before the commencement of the meeting. Any calls received by a person who has received such approval from the Presiding Member must be promptly answered and the person must then excuse themselves immediately from the chamber/room in order to conduct any conversation.

Members of the public will not be granted permission pursuant to clause 42(2) to leave their mobile telephones switched on when present at a meeting.

43. Register of Interests (Non-Elected Members)

(1) Non-elected Members of Committees are not required to submit a register of interests in accordance with Section 72(1) of the Act unless the Council resolves that a non-elected Member(s) on any particular Committee should submit such a register.
44. Nomination/Appointment of Elected Members to Internal and External Positions

Secret Ballot Procedure for Nomination/Appointment of Elected Members to Internal and External Positions

(1) Before debate on the item, the Presiding Member to call for a short term suspension of proceedings to undertake a ballot process. Note - this requires the consent of two thirds of the Members present.

(2) The Presiding Member to call for nominations.

(3) All Elected Members (including the Presiding Member) to record their vote by placing a tick against the preferred Elected Members name (or names for more than one position) on the ballot paper.

(4) A Senior Officer to collect the ballot papers.

(5) The Chief Executive Officer and a Senior Officer to count the votes separately and confirm numbers.

(6) The Chief Executive Officer to report the numbers to the Presiding Member. The Presiding Member to confirm by counting the votes.

(a) In the case of a tied vote, Elected Members to re-vote for their preferred candidate from the Elected Members who have tied for the position (repeat steps 4 and 5). In the event that the re-vote can not determine a clear winner (there is a continuing tie), then lots must be drawn to determine which candidate or candidates will be excluded (see explanation below).

(7) The Presiding Member to announce the successful candidate.

(8) The Presiding Member will then bring the suspension of meeting procedures to an end.

(9) The Presiding Member to ask for an Elected Member to move a motion in relation to the item to confirm the outcome of the ballot.

Note: When drawing lots, each Elected Member that has their name drawn is then excluded from the appointment/nomination until only one name is left. The last person to be drawn is the successful appointment.
COMMUNITY AND CULTURE COMMITTEE
(Established under Section 41 of the Local Government Act 1999)

TERMS OF REFERENCE

Membership: 4 Elected Members
3 Independent Members
His Worship the Mayor (ex officio)

Presiding Member: Appointed by the Council

Attended by: Chief Executive Officer and Leadership Team (as required)

Responsible Officer: General Manager Community

Meeting Times: This committee will meet on the 3rd Monday of the month or as required.

Meeting Cancellation: If after considering advice from the CEO or delegate, the Presiding Member of a Council committee is authorised to cancel the respective committee meeting, if it is clear that there is no business to transact for that designated meeting.

Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council’s website.


Reporting: The Community and Culture Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting.
Notes:

Sitting Fees will apply for independent members - $300 per meeting.

Quorum - number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding one.

Only members of the Committee (including the Mayor as ex officio) can sit at the table, participate in discussion and vote. Any Elected Member not on the Committee who attends the meeting will do so as a member of the gallery and may not participate in debate.

Criteria used to select community representatives and group representatives will have regard to subject matter expertise, gender balance, youth and cultural representations and seek to maintain and build upon a group voice that is broadly representative of the community.

Specific Functions:

To provide advice to Council on:

1. The development of a strong and inclusive community, encouraging active citizenship and participation, and supporting all who reside and visit the area.

2. The enhancement and development of a vibrant community that celebrates our cultural heritage, creativity and artistic endeavour through the creation, support and delivery of events, activities and artistic initiatives.

3. The development of a healthy and active community through the provision of opportunities that encourage recreation, sport and wellbeing.

4. The development and delivery of initiatives and services to encourage and support lifelong learning and literacy.

5. The provision of community and regulatory services ensuring that our services are relevant, meaningful and meet the current and future needs of our community.

6. The delivery of services which help people safely live, use or visit the City.
DEVELOPMENT STRATEGY AND POLICY COMMITTEE
(Established under Section 41 of the Local Government Act 1999 and Section 101A of the Development Act 1993)

TERMS OF REFERENCE

Membership: 4 Elected Members
3 Independent Members
His Worship the Mayor (ex officio)

Presiding Member: Appointed by the Council

Attended by: Chief Executive Officer and Leadership Team (as required)

Responsible General Manager General Manager Economic Development and Planning.

Meeting Times: The Committee meets on a quarterly basis on the third Monday of the month, unless otherwise required.

Meeting Cancellation: If after considering advice from the CEO or delegate, the Presiding Member of a Council committee is authorised to cancel the respective committee meeting, if it is clear that there is no business to transact for that designated meeting.

Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council’s website.


Reporting: The Development Strategy and Policy Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting.
Notes:

Sitting Fees will apply for independent members - $300 per meeting.

Quorum - number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding one.

Only members of the Committee (including the Mayor as ex officio) can sit at the table, participate in discussion and vote. Any Elected Member not on the Committee who attends the meeting will do so as a member of the gallery and may not participate in debate.

Criteria used to select independent representatives and group representatives will have regard to gender balance, youth and cultural representations and seek to maintain and build upon a group voice that is broadly representative of the community.

Membership of the committee is for the period from December 2012, until the end of the current term of Council, unless such appointment is revoked by the Council.

Specific Functions:

1. Provide advice to the Council in relation to the extent to which the Council’s Development Plan and policies accord with the State Planning Strategy.

2. Assist the Council in undertaking strategic Reviews of the City of Unley Development Plan and monitoring progress in achieving orderly and efficient development within the area of the Council.

3. Provide advice to the Council (or to act as its delegate) in relation to planning strategy and development policy issues when Council is preparing Development Plan Amendment proposals.

4. Review and consider specific changes to the Development Plan and/or as initiated by State Government.

5. Review relevant legislation affecting Local Government activity and responsibilities in relation to development, and recommending appropriate course(s) of action.

6. Receive reports, at least six monthly, from the City of Unley Development Assessment Panel (DAP) re trends, issues and other relevant matters.

7. Provide advice to Council regarding strategies and policies to deal with major changes in urban form, increased population or changing population age profiles in the council area, that have resulted from actions related to the 30 Year Plan or other factors.

8. Provide input into the implementation of major projects within the City.

9. Assist Council in achieving high levels of integration of transport and land use planning.
## TERMS OF REFERENCE

| Membership: | 4 Elected Members  
3 Independent Members  
His Worship the Mayor (ex officio) |
| Presiding Member: | Appointed by the Council |
| Attended by: | Chief Executive Officer and Leadership Team (as required) |
| Responsible General Manager: | General Manager Assets & Infrastructure |
| Meeting Times: | The Committee meets on a quarterly basis on the third Monday of the month, unless otherwise required. |
| Meeting Cancellation: | If after considering advice from the CEO or delegate, the Presiding Member of a Council committee is authorised to cancel the respective committee meeting, if it is clear that there is no business to transact for that designated meeting. Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council’s website. |
| Reporting: | The Infrastructure and Projects Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting. |
Notes:

Sitting Fees will apply for independent members - $300 per meeting.

Quorum - number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding one.

Only members of the Committee (including the Mayor as ex officio) can sit at the table, participate in discussion and vote. Any Elected Member not on the Committee who attends the meeting will do so as a member of the gallery and may not participate in debate.

Criteria used to select independent representatives and group representatives will have regard to gender balance, youth and cultural representations and seek to maintain and build upon a group voice that is broadly representative of the community.

Independent representatives should have expertise in an area relevant to the subject matter of the committee.

Membership of the committee is for the period from December 2012, until the end of the current term of Council, unless such appointment is revoked by the Council.

Basic Function:

The basic function of the Infrastructure and Projects Committee is to make recommendations to Council on its infrastructure and assets strategy and projects throughout the City of Unley.

Specific Functions:

1. Provide advice to Council on planning and management of Council owned assets and properties. In particular, asset categorisation and associated levels of service across all asset classes.

2. Provide advice to Council in relation to major projects and capital programs being undertaken by Council.

3. Provide advice to Council on a range of innovative or new approaches to the delivery of asset related services.

4. Provide quarterly reports to Council in relation to the progress of the capital works program and any changes to the program.

5. Provide advice to Council in relation to the implications for Council of major projects and initiatives being pursued by State Government and other key stakeholders in the City of Unley.
6. Provide advice to Council on proposals that will enhance traffic management and road safety within the City of Unley.

7. Provide advice to Council in relation to initiatives that will encourage compliance of speed limits within the City of Unley.
AUDIT COMMITTEE
(Established under Section 41 of the Local Government Act 1999)

TERMS OF REFERENCE

Membership: 2 Elected Members
3 Independent Members
His Worship the Mayor (ex officio)

Presiding Member: One of the independent members appointed by the Council.

Term: The current independent members on the Audit Committee are appointed until ....

Independent Members: Shall have recent and relevant experience in professions such as, but not limited to, accounting, audit, financial, legal, risk management and governance.

Attended by: Chief Executive Officer and Leadership Team (as required)

Responsible General Manager: General Manager People and Governance

Meeting Times: The Committee shall meet at least 4 times per year at appropriate times in the financial reporting cycle, and when the Committee may otherwise deem necessary.

Meeting Cancellation: If after considering advice from the CEO or delegate, the Presiding Member of a Council committee is authorised to cancel the respective committee meeting, if it is clear that there is no business to transact for that designated meeting.

Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council’s website.

Reporting: The Audit Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting. The Committee is authorised to obtain independent professional advice where considered necessary, following consultation with the CEO.

Objective of the Committee: Will assist the Council in monitoring the; accounting, audit, legislative compliance, financial and strategic risk management, good governance and reporting practices.

Notes:

Quorum – the number ascertained by dividing the total number of members of the committee by two, ignoring any fraction resulting from the division, and adding one.

Sitting fees will apply for Independent Members - $350 per meeting. If Independent Members are required to attend workshops a fee of $150 per workshop will apply. No sitting fees will apply for Elected Members. The Presiding Member of the Audit Committee will be paid a fee of $.

Only members of the Committee are entitled to vote. Unless otherwise required (by conflict of interest provisions in the Local Government Act 1999. Members of the committee (including the Mayor as ex officio) can sit at the table, participate in discussion and vote. Any Elected Member not on the Committee who attends the meeting will do so as a member of the gallery and may not participate in debate.

Criteria used to select independent representatives and group representatives will have regard to gender balance, youth and cultural representations and seek to maintain and build upon a group voice that is broadly representative of the community.

Membership of the Elected Members on the Audit committee is for the period from December 2012, until the end of the current term of Council, unless such appointment is revoked by the Council.

Role of the Committee:

Financial Sustainability and Business reporting

The Committee shall:

1. Monitor the integrity of the annual financial statements of the Council to ensure that they present fairly the state of affairs of the Council, reviewing significant financial reporting issues and judgements which they contain.
2. Review and make recommendations to the Council regarding the assumptions, financial indicators and targets in the Long Term Financial Plan.


4. Propose and provide information relevant to, a review of the Council’s strategic management plans or annual business plans.

5. Review and make recommendations to the Council regarding any other significant financial, accounting and reporting issues as deemed necessary by the Committee, Council or Management.

Risk Management and Internal Control

The Committee shall:


7. Review and comment on the adequacy of internal controls, internal audit, financial management systems and practices.

8. Ensure an appropriate legislative compliance framework exists to identify risks and controls over compliance with applicable legislation and regulations.

Internal Audit and Compliance

The Committee shall:

9. Monitor and review the effectiveness of the Council’s internal audit function and program in the context of the Council’s overall risk management system and annual budget.

10. Review the Council’s compliance framework for identifying, monitoring and managing compliance with all laws and regulations.

11. Obtain regular updates from Management and / or External Auditors regarding compliance matters in relation to the Council’s significant statutory requirements.

12. Review the progress of the internal audit function and make recommendations as appropriate.

External Audit

The Committee shall:
13. Liaise and meet with Council’s external auditor(s). The Committee shall meet the external auditor at least once a year.


15. Review and make recommendations to Council on the scope of work, reports and activities of the External Auditor, including interaction with any internal audit capability.

16. Review the findings of the annual and interim audits with the External Auditor.

17. Review the response by Management to reviews, recommendations and audit letters provided by the External Auditors.

**Governance and Other**

The Committee shall:

1. Review and comment on the overall adequacy of Council’s Policy Development and Policy Management Framework.

2. To review the Delegations Register and recommend any changes which are necessary.

3. Propose and review the exercise of powers under section 130A of the Local Government Act 1999 “Other Investigations” if required by Council and/ or deemed necessary by the Committee.

4. Monitor and review the operation of Council’s subsidiaries in relation to the minutes and recommendations from their respective Committees.

5. Any other matter which is within the powers of the Council and is appropriate to be referred to the Committee by the Council.

6. Review and comment on the adequacy of the Council’s arrangements for its employees to raise concerns, in confidence, about possible wrongdoing in a financial reporting or any other matters (whistle blowing and fraud).

7. At least once every two years, review its own performance to ensure it is operating with effectiveness and recommend changes it considers necessary to the Council for approval.
UNLEY BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE
(Established under Section 41 of the Local Government Act 1999)

TERMS OF REFERENCE

Membership: 3 Elected Members
4 Independent Members
9 Trader Representatives
His Worship the Mayor (ex officio)

Presiding Member: Appointed by the Council

Attended by: Chief Executive Officer and Leadership Team (as required)

Responsible General Manager: General Manager Economic Development and Planning

Meeting Times: The Committee meets bi-monthly on the first Tuesday of the month.

Meeting Cancellation: If after considering advice from the CEO or delegate, the Presiding Member of a Council committee is authorised to cancel the respective committee meeting, if it is clear that there is no business to transact for that designated meeting.

Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council’s website.


Reporting: The Unley Business and Economic Development Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting.
Notes:

Quorum – the number of members present constituting a quorum will be six (6).

Sitting fees will apply for Independent Members and Trader Representatives - $350 per meeting. No sitting fees will apply for Elected Members.

Only members of the Committee (including the Mayor as ex officio) can sit at the table, participate in discussion and vote. Any Elected Member not on the Committee who attends the meeting will do so as a member of the gallery and may not participate in debate.

Criteria used to select independent representatives and group representatives will have regard to gender balance, youth and cultural representations and seek to maintain and build upon a group voice that is broadly representative of the community.

The four (4) independent representatives must demonstrate relevant business and/or economic knowledge to represent the business community in the Council area.

Trader representatives – must be a property owner, business owner or employee based on the respective Road.
Two from Unley Road businesses – one must be from the Unley Road Association Inc.
Two from Goodwood Road businesses – one must be from the Goodwood Central Traders and Services Association Inc.
Two from King William Road businesses – one must be from the King William Road Traders Association Inc.
Two from Glen Osmond Road businesses – one must be from the Glen Osmond Road Precinct Association Inc.
One to represent the interests of businesses on Fullarton Road.

Membership of the committee is for the period from December 2012, until the end of the current term of Council, unless such appointment is revoked by the Council.

Specific Functions:

1. Provide advice to Council on initiatives that support and improve the economic viability of the commercial and retail precincts across the City of Unley.

2. Provide advice to Council on the important role Mainstreet precincts play in providing spaces for our residents and ratepayers to meet and building healthy, sustainable communities.

3. Provide advice to Council on the establishment, implementation and coordination of strategic management actions regarding main streets.

4. Provide advice to Council on the collaborative promotional, marketing and event activities across the main streets.
5. Provide advice to Council on the possible opportunities to influence an appropriate tenancy mix on main streets to provide goods and services that businesses and residents require.

6. Provide advice to Council on the undertaking of activities that ensure ongoing participation and commitment from businesses, investors, property owners and the Council.

7. Provide advice to Council on raising the profile of and proactively promoting the Unley Mainstreet Associations.

8. Provide advice to Council on supporting and promoting business, industry and tourism growth within a sustainable environment whilst encouraging the social and cultural values of the City of Unley community.
TERMS OF REFERENCE

Membership:  
His Worship the Mayor  
Councillor Jennie Boisvert  
Elected Member

Presiding Member:  
His Worship the Mayor

Attended by:  
Manager Organisational Development and Chief Executive Officer (as required)

Responsible Officer:  
Chief Executive Officer

Meeting Times:  
The Committee meets as required.

Meeting Procedures:  
Part 2 of the Local Government (Procedures at Meetings) Regulations 2000 and the City of Unley Code of Practice for Meeting Procedures apply.

Reporting:  
The Chief Executive Officer Performance Review Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting.

Notes:

Quorum - number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding one.

Only members of the Committee can sit at the table, participate in discussion and vote. Any Elected Member not on the Committee who attends the meeting will do so as a member of the gallery and may not participate in debate.
Membership of the committee is until the end of the current term of Council, unless such appointment is revoked by the Council. The Presiding Member of the City Strategy and Policy Committee was the third member of this committee, as the City Strategy and Policy Committee is no longer required, a vacancy for one Elected Member is needed on this committee.

**Specific Functions:**

1. The objectives of the CEO Performance Review Committee are to engage in and undertake a developmental process to determine, in conjunction with the CEO, relevant key performance measures for the CEO and formal performance review of the CEO.
<table>
<thead>
<tr>
<th>Current Committees</th>
<th>Standing/Key</th>
<th>Ind or EM Chair</th>
<th>$Chair</th>
<th># of Independents</th>
<th>$ Independents</th>
<th># Ems</th>
<th>$ Ems</th>
<th># Meetings per year</th>
<th>Total Cost of Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowances</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mayor</td>
<td></td>
<td></td>
<td>1</td>
<td>60782</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>60782</td>
</tr>
<tr>
<td>Deputy (1)</td>
<td></td>
<td></td>
<td>1</td>
<td>18995</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>18995</td>
</tr>
<tr>
<td>Elected Members (11)</td>
<td></td>
<td></td>
<td>11</td>
<td>15196</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>167156</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$ 246,933.00</td>
</tr>
<tr>
<td>Centennial Park Board (not paid directly by Council, but 2 Councillors are paid)</td>
<td></td>
<td></td>
<td>2</td>
<td>4500</td>
<td></td>
<td></td>
<td></td>
<td>12</td>
<td>$ 9,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Committees</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Audit</td>
<td>Standing</td>
<td>Ind</td>
<td>450</td>
<td>2</td>
<td>300</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>4200</td>
</tr>
<tr>
<td>DAP</td>
<td>Standing</td>
<td>Ind</td>
<td>500</td>
<td>3</td>
<td>400</td>
<td>3</td>
<td>400</td>
<td>12</td>
<td>34800</td>
</tr>
<tr>
<td>City Strategy and Policy</td>
<td>Standing</td>
<td>EM*</td>
<td>3799</td>
<td>0</td>
<td>0</td>
<td>12</td>
<td>0</td>
<td>10</td>
<td>3500</td>
</tr>
<tr>
<td>UBED</td>
<td>Standing</td>
<td>Ind</td>
<td>0</td>
<td>13</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>CEO Performance Review</td>
<td>Key</td>
<td>EM</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$ 42,500.00</td>
</tr>
<tr>
<td>Audit</td>
<td>Standing</td>
<td>Ind</td>
<td>450</td>
<td>2</td>
<td>300</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>4200</td>
</tr>
<tr>
<td>DAP</td>
<td>Standing</td>
<td>Ind</td>
<td>520</td>
<td>3</td>
<td>416</td>
<td>3</td>
<td>400</td>
<td>12</td>
<td>35616</td>
</tr>
<tr>
<td>Development Strategy &amp; Policy</td>
<td>Standing</td>
<td>EM</td>
<td>3734</td>
<td>3</td>
<td>300</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>7334</td>
</tr>
<tr>
<td>Community &amp; Culture</td>
<td>Standing</td>
<td>EM</td>
<td>3734</td>
<td>3</td>
<td>300</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>7334</td>
</tr>
<tr>
<td>Infrastructure &amp; Capital Projects</td>
<td>Standing</td>
<td>EM</td>
<td>3734</td>
<td>3</td>
<td>300</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>7334</td>
</tr>
<tr>
<td>Unley Business &amp; Economic Development</td>
<td>Standing</td>
<td>EM</td>
<td>3734</td>
<td>3</td>
<td>300</td>
<td>4</td>
<td>0</td>
<td>6</td>
<td>9134</td>
</tr>
<tr>
<td>CEO Performance Review</td>
<td>Key</td>
<td>EM</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$ 70,952.00</td>
</tr>
</tbody>
</table>
DECISION REPORT

REPORT TITLE: CHIEF EXECUTIVE OFFICER RECRUITMENT POLICY
ITEM NUMBER: 602
DATE OF MEETING: 26 NOVEMBER 2012
AUTHOR: PETER TSOKAS
JOB TITLE: CHIEF EXECUTIVE OFFICER
RESPONSIBLE OFFICER: PETER TSOKAS
JOB TITLE: CHIEF EXECUTIVE OFFICER
COMMUNITY GOAL: GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.
REPRESENTOR/S: Nil
ATTACHMENTS: 1. CHIEF EXECUTIVE OFFICER RECRUITMENT POLICY

PURPOSE
To present to Council a policy for the recruitment of the Chief Executive Officer position.

RECOMMENDATION
MOVED:
SECONDED:
That:
1. The report be received.
2. The policy for the recruitment of a Chief Executive Officer, as shown in Attachment 1 to Item 602/12, be endorsed.
BACKGROUND

As part of Council’s ongoing review of policies, a policy dealing with the selection of the CEO has been developed for Council’s consideration. The proposed policy is relevant, legally sound and aims to ensure best practice standards are implemented, during the recruitment of the CEO position.

COMMUNITY ENGAGEMENT

There is no requirement to undertake community consultation on this matter.

DISCUSSION

The recruitment of a Chief Executive Officer is one of the most important decisions councils make. It is therefore important that there is a policy that clearly describes the process to be undertaken in order to ensure transparency in the decision making process. The policy (Attachment 1 to Item 602/12) outlines the composition and role of Council’s selection panel and its relationship with the Council as a whole in order to ensure there is no confusion during the selection process.

Attachment 1

As Members are aware, policies aligned to legislation are reviewed annually whereas policies initiated by Council can be reviewed as circumstances determine but are not required to undergo annual review.

ANALYSIS OF OPTIONS

Option 1 – Council endorse the policy for the Recruitment of the Chief Executive Officer as detailed in Attachment 1 to Item 602/12.

The endorsement of the policy listed in the Attachments to Item 139/12, will provide clear direction for Council in managing this important responsibility.

Option 2 – Council endorse the policy as listed in Attachment 1 to Item 602/12 with minor amendments

Council may wish to make further amendments to the policy prior to adoption.

RECOMMENDED OPTION

Option 1 is the recommended option.
CONCLUSION

Policies are an important tool enabling Council to communicate its position to the community regarding a wide range of issues and also serve to provide guidance to Council’s Administration.

The policy included in this report provides instructions and guidelines relating to the selection of Council’s Chief Executive Officer. By reviewing and documenting policies, Council enhances its transparency and the openness of its decision-making and service provision processes.
1. **POLICY STATEMENT**

The leadership nature of the role of the Chief Executive Officer (CEO) makes it a key appointment and critical success factor in the operation of the Council.

This policy sets out the Council’s framework to be followed by the CEO Recruitment Panel responsible for the recruitment and selection process for the CEO and the recommendations to the Council of an appointment.

The appointment, remuneration and performance appraisal of the Chief Executive Officer is the only human resource responsibility of the elected body of Council, as set out in Part 1 of Chapter 7 of the Act.

2. **DEFINITIONS**

“the Act” means the Local Government Act 1999.

“CEO” means Chief Executive Officer

“Council” means the City of Unley
“Elected Member” means the Mayor or Councillor (as defined in the Act) of the Council.

“Panel” means the CEO Recruitment Panel established under section 98(4) of the Act.

“Panel Contact Person” means the Council’s General Manager People and Governance or their delegate.

Any reference to the Act or law includes any Act or law replacing it and any reference to a position within the Council’s organizational structure includes any successor position.

3. PRINCIPLES

The recruitment and selection of the CEO shall be based on a merit based assessment, and shall comply with relevant legislation, including the Act. Role knowledge, ability, past performance, qualifications and aptitude for the role shall be the criteria used for making selection decisions.

The recruitment and selection process shall be consistent, transparent, professional and timely noting that all information relating to candidates in the recruitment process will be conducted in a strictly confidential manner.

4. POLICY OBJECTIVE

The objective of this Policy is to establish a formal framework at the City of Unley for the CEO recruitment and selection process, in accordance with Section 98 of the Act.

The objective of this Policy is to ensure that recruitment and selection is conducted in a professional and equitable manner and that the most suitable person is selected based upon merit.

5. DUTIES OF CEO RECRUITMENT PANEL

The CEO Recruitment Panel’s role is to assist Council in the recruitment of a CEO as follows:

- Ensure a current position description for the CEO position is available at the commencement of the recruitment process;

- In accordance with Council’s procurement Policy, engage an appropriate consultant to manage and conduct the process of inviting applications through newspaper advertising, the development of a list of candidates for interview and selection of a suitable candidate for the position of CEO for recommendation to the Council;

- Carry out the functions of a selection panel in accordance with Sections 98(3) and 98(4) of the Act;

- Identify and recommend to Council a suitable candidate for appointment to the position of CEO;

- If the Panel fails to reach a unanimous view as to a suitable candidate, it shall on the request of any member of the Panel (made at the meeting of the Panel resolving which candidate should be
recommended to Council) refer the matter to the Council for
determination of who, from the final short list, is to be appointed.

6. MEMBERSHIP
   - The Panel will comprise the Mayor and four Councillors.
   - The Council will endeavor to achieve gender balance in the appointment
     of Councillors to the Panel but if this is not achieved will always ensure
     that there is at least one male and one female Councillor appointed.
   - Unless Council determines otherwise, the Presiding Member of the Panel
     will be the Mayor.
   - Executive support for the Panel will be provided by or through the
     nominated Panel Contact Person.

7. QUORUM
   A quorum for the Panel is three (3) members.

8. DELEGATIONS
   The Council must appoint a Panel to assess applicants for the position of CEO,
in accordance with Section 98 of the Local Government Act 1999.
   The Panel has the following authority, coupled with the following obligations:
   - to engage solicitors or other consultants as the Panel may from time to
     time determine to liaise and provide advice on matters pertaining to the
     CEO Recruitment, process;
   - all powers necessary for it, on behalf of Council, to carry out the
     functions set out in this Policy and to incur expenditure of funds
     necessary for these purposes.

9. MEETINGS
   The Panel will meet as required and ensure meetings are conducted in
   accordance with this Policy. Meetings will be held at the Council’s Civic Centre
   or another location nominated by the Presiding Member and advised (including
   by the delivery of agendas and accompanying reports and documentation) in
   accordance with the Act and Council Policy for the notification of Council and
   Committee meetings.
   Meeting procedures will be determined by the Panel but must not be
   inconsistent with any provision of this Policy.

   The Panel must keep Minutes of its meetings which must at least
   contain:
   1. The names of the Panel Members present;
   2. The adoption of any previous Panel minutes not yet adopted as
      true and correct record;
   3. Each decision made at a meeting of the Panel;
4. any disclosure of any interest made by a Panel member.

Special Requirements as to confidentiality.

The General Manager People and Governance has been nominated as the Panel Contact Person within Council administration, but is not to be privy to any matters that the Panel determines to be confidential and not available to the Panel Contact Person.

The minute taker and all support staff and persons who are not elected members who have access to documents and records which the Panel is about to or has considered, must keep all such documents and records in the strictest of confidence.

The documentation kept in relation to the recruitment and selection of the CEO must be kept in accordance with the Council Records Management Policy.

10. VOTING

- Each member of the Panel present at a meeting shall have one vote.
- The Presiding Member shall have a deliberative vote but does not in the event of an equality of votes, have a casting vote.
- In the event of a tied vote, the matter will be referred to Council for determination.

11. REPORTING

- The agendas and minutes of the Panel will be available to other Councillors in the same manner as for Council Committees.
- At the conclusion of the CEO selection and appointment process the Panel will meet for a final time to determine what documents, reports and/or minutes are to be released to the public.
- Any Councillor not appointed to the Panel may attend any Panel meeting with the consent of the Presiding Member of the Panel. If such consent is refused or otherwise revoked during the course of a Panel meeting the Councillor(s) must immediately leave the meeting. Any Councillor attending a Panel meeting in reliance upon this clause is subject to the same duty of confidentiality as Panel members.
DECISION REPORT

REPORT TITLE: NOMINATION FOR A POSITION ON THE SA SETTLEMENT PLANNING COMMITTEE

ITEM NUMBER: 603

DATE OF MEETING: 26 NOVEMBER 2012

AUTHOR: KERRY LOUGHHEAD

JOB TITLE: ACTING MANAGER GOVERNANCE

RESPONSIBLE OFFICER: STEPHEN FAULKNER

JOB TITLE: GENERAL MANAGER PEOPLE & GOVERNANCE

COMMUNITY GOAL: GOE 2 - Generate an approach to all council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, co-operation with other levels of government and social equity.

REPRESENTOR/S:

ATTACHMENTS: 1 – TERMS OF REFERENCE
2 – SELECTION CRITERIA
3 – NOMINATION FORM

______________________________

PURPOSE

To determine interest from Elected Members to nominate for a position on the SA Settlement Planning Committee (SA SPC) commencing in either late January or February 2013 on a date yet to be confirmed.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.

2. A nomination for ______________ as Local Government representative on the SA Settlement Planning Committee be submitted to the Local Government Association (LGA) by COB Friday 7 December 2012.

______________________________

(This is page 37 of the Council Agenda Reports for 26 November 2012)
BACKGROUND

The Department for Communities and Social Inclusion has written to the LGA requesting nominations for a Local Government Member and Deputy Member on the SA SPC.

The SA SPC is made up of a range of Federal and State Government agencies with an interest or role in the settlement of new arrivals. The SA SPC Terms of Reference are provided in Attachment 1 to Item 603/12.

Nominations addressing the selection criteria provided in Attachment 2 to Item 603/12 for the positions should be received by the LGA by COB Friday 7 December 2012 for consideration by the LGA State Executive Committee at its meeting on Thursday 20 December 2012.

COMMUNITY ENGAGEMENT

No community consultation is required on this matter.

DISCUSSION

Appointments to the SA SPC are ongoing, however the Committee may from time to time review the Terms of Reference or the composition of the Committee.

The SA SPC meets quarterly, commencing at 10am for up to 2 hours. Meetings are held at the Department of Immigration and Citizenship, 55 Currie Street or Multicultural SA, 24 Flinders Street (but will move to Grenfell Street during 2013).

No sitting fees are payable to members.

LGA nominations on outside bodies will, unless determined otherwise by the LGA State or Senior Executive Committee, be currently serving Members or Council Staff.

A nomination form is provided in Attachment 3 to Item 603/12.
ANALYSIS OF OPTIONS

Option 1 - A nomination for ______________ as Local Government representative on the SA Settlement Planning Committee be submitted to the Local Government Association (LGA) by COB Friday 7 December 2012.

This option confirms the City of Unley’s support for an Elected Member to submit a nomination if they choose to, with the potential (for their nomination) to be approved by the LGA State Executive Committee as a representative.

Option 2 – The report be received.

This option is to confirm Elected Members are aware of the nomination process for a position on the SA Settlement Planning Committee, without putting forward a nomination.

RECOMMENDED OPTION

Option 1 is the recommended option if a Member chooses to nominate.

Option 2 is the recommended option if there is no interest from Members to nominate.

POLICY IMPLICATIONS

There are no policy implications in regard to nominations.

CONCLUSION

A nomination submitted by the City of Unley to the LGA State Executive Committee for a position on the SA Settlement Planning Committee will provide an opportunity for Local Government involvement in the settlement and development of our communities to ensure an holistic approach to settlement planning across all tiers of Government.
South Australian Settlement Planning Committee

Terms of Reference

1. Sharing of information that contributes to a needs based planning framework to enhance the provision of settlement service delivery.

2. Identifying the needs, gaps and priorities of new arrivals and newly emerging communities in South Australia, highlighting those that are unique to SA.

3. Informing the State and Commonwealth through DIAC and Multicultural SA about the needs, gaps, priorities and opportunities of settlement planning and delivery.

4. Developing settlement strategies that respond to current gaps and inform future planning.
# Representatives on Outside Bodies

## PART A (To be completed by the LGA)

<table>
<thead>
<tr>
<th>Name of Body</th>
<th>South Australian Settlement Planning Committee (SA SPC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Status of Body</td>
<td>Committee Yes</td>
</tr>
<tr>
<td>Summary Statement</td>
<td>The Department of Immigration and Multicultural Affairs, in conjunction with Multicultural SA, recently reconvened the State Settlement Planning Committee, previously known as the Commonwealth State Migration Committee (COSMIC). The Committee is made up of a range of Federal and State Government agencies with an interest or role in the settlement of new arrivals.</td>
</tr>
</tbody>
</table>

## SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES

The following selection criteria must be addressed when completing Part B:

| Qualifications Required (formal qualifications relevant to the appointment) | None required, (but a qualification in the social sciences or related disciplines may be an advantage) |
| Industry Experience | An understanding of the role of Local Government in regard to the settlement of new migrants including planning for new residents, identification of needs, service provision, community development, policy formulation and other related activities at the local level |
| Board / Committee Experience | Experience in the operation of Boards/ Committees would be advantageous |
| Key Expertise (other relevant experience i.e. those requirements established for a Board/Committee under an Act) | 1. Ability to represent the views of Local Government  
2. Ability to contribute to the work of the Committee in the development of settlement strategies which respond to exiting and future needs and inform future planning. |

## LIABILITY AND INDEMNITY COVER

The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis):

| Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body | Yes |
| Insurance Policies are Valid & Current | Yes |
PART B: This form must be completed by Council electronically and emailed as a word document to: lynne.ryan@lga.sa.gov.au
(Nominee’s details must not exceed this single page)

Name of Body: South Australian Settlement Planning Committee

<table>
<thead>
<tr>
<th>Council Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Full Name of Nominee:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Position/Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Work Phone:</th>
<th>Facsimile:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A/H Phone:</th>
<th>Mobile:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Email:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

1. Summary of relevant skills, knowledge and/or experience

2. Other comments in relation to this role

An email confirming receipt of your nomination will be forwarded
INFORMATION REPORT

REPORT TITLE: END OF MONTH FINANCIAL REPORT
ITEM NUMBER: 604
DATE OF MEETING: 26 NOVEMBER 2012
AUTHOR: LETA NORTHCOTT
JOB TITLE: SENIOR ACCOUNTANT
RESPONSIBLE OFFICER: STEPHEN FAULKNER
JOB TITLE: GENERAL MANAGER PEOPLE AND GOVERNANCE
COMMUNITY GOAL: GOE/3 Continue to develop Council's financial management strategies and administration to ensure that optimal effectiveness and efficiency can be obtained to improve service delivery and increase productivity
REPRESENTER/S: NIL
ATTACHMENTS: 1. YTD ACTUAL V BUDGET FUNDING STATEMENT
2. CASH FLOW STATEMENT

PURPOSE

This report provides a review of progress against budget for the period ending 31 October 2012.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.

(This is page 40 of the Council Agenda Reports for 26 November 2012)
BACKGROUND

The report highlights a preliminary year to date budget position as at 31 October 2012.

DISCUSSION

The operating year to date variances are considered to be within tolerances at this time.

Council has now begun to incur carbon price charges. Year to date, this has amounted to $27k to the end of October. The breakdown is as follows:

<table>
<thead>
<tr>
<th>Area</th>
<th>Amount</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Lighting</td>
<td>$ 7 000</td>
<td>Charges incurred are from July to August. The next expected invoice is due in November.</td>
</tr>
<tr>
<td>Waste Contract</td>
<td>$20 000</td>
<td>Charges incurred are from July to September. Invoices in regards to landfill fees have not been processed as yet for September &amp; October due to reviewing and monitoring costs being charged.</td>
</tr>
</tbody>
</table>

It is still anticipated that the total annual cost will be approximately $140k.

Council will recall this is a non budgeted operating expense, however Administration will continue to investigate options to offset this expenditure through operational savings.

The three main financial indicators and their status are:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>YTD Actual $'000</th>
<th>YTD Budget $'000</th>
<th>Variance $'000</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Income</td>
<td>$34 628</td>
<td>$34 931</td>
<td>$303</td>
<td>Unfavourable 1%</td>
</tr>
<tr>
<td>Timing of receipt from SA Government in regards to payment regards to rebates applied to rates payments.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditure</td>
<td>$12 661</td>
<td>$12 913</td>
<td>$252</td>
<td>Favourable 2%</td>
</tr>
</tbody>
</table>

All variance amounts are made up of a significant number of small items.
Timing of the Federal Storm Water Projects ($249k), expenditure has not occurred when expected. Delays have been experienced in regards to the road reseal ($360k) & footpath ($294k) programs due to inclement weather & contractor availability.

Balance of Other Loans (Borrowings) as at 31 October 2012

(This is page 43 of the Council Agenda Reports for 26 November 2012)
The total amount owed on interest bearing liabilities (loans) as at 31 October 2012 was $6.95M. There was a scheduled payment of $218k made during the month.

The current balance of the Draw Down Facility as at 31 October was $1.1M. These balances are in line with expectations for the month of October.

Investment income earned to date this financial year is $23 000. This includes $10k received from the LGFA as bonus interest.
## Funding Statement
For the year to date 31 October 2012

<table>
<thead>
<tr>
<th></th>
<th>Actuals $,000</th>
<th>YTD Budget $,000</th>
<th>Annual Budget $'000</th>
<th>% Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Income</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates</td>
<td>32,138</td>
<td>32,539</td>
<td>32,598</td>
<td>-1%</td>
</tr>
<tr>
<td>Grants and Subsidies</td>
<td>1,123</td>
<td>1,161</td>
<td>2,763</td>
<td>-3%</td>
</tr>
<tr>
<td>All Other Income</td>
<td>1,367</td>
<td>1,231</td>
<td>3,556</td>
<td>11%</td>
</tr>
<tr>
<td><strong>Total Operating Income</strong></td>
<td>34,628</td>
<td>34,931</td>
<td>38,917</td>
<td>-1%</td>
</tr>
<tr>
<td><strong>Operating Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Costs</td>
<td>4,664</td>
<td>4,914</td>
<td>14,327</td>
<td>-5%</td>
</tr>
<tr>
<td>Materials, Contracts &amp; Other Expenditure</td>
<td>5,357</td>
<td>5,398</td>
<td>15,714</td>
<td>-1%</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>274</td>
<td>235</td>
<td>929</td>
<td>17%</td>
</tr>
<tr>
<td>Depreciation, amortisation &amp; impairment</td>
<td>2,366</td>
<td>2,366</td>
<td>7,100</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Total Operating Expenditure</strong></td>
<td>12,661</td>
<td>12,913</td>
<td>38,070</td>
<td>-2%</td>
</tr>
<tr>
<td><strong>Operating Surplus/(Deficit) before Capital Revenue</strong></td>
<td>21,967</td>
<td>22,018</td>
<td>847</td>
<td>0%</td>
</tr>
<tr>
<td>Capital Grants and Subsidies</td>
<td>225</td>
<td>225</td>
<td>1,761</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Operating Surplus/(Deficit) after Capital Revenue</strong></td>
<td>22,192</td>
<td>22,243</td>
<td>2,608</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Non Operating Income</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loans to Community and Sporting Groups</td>
<td>30</td>
<td>30</td>
<td>62</td>
<td>0%</td>
</tr>
<tr>
<td>Revenue from Asset Disposals</td>
<td>90</td>
<td>66</td>
<td>265</td>
<td>36%</td>
</tr>
<tr>
<td><strong>Total Non-Operating Income</strong></td>
<td>120</td>
<td>96</td>
<td>327</td>
<td>24%</td>
</tr>
<tr>
<td><strong>Non-Operating Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loan Repayments</td>
<td>506</td>
<td>506</td>
<td>1,076</td>
<td>0%</td>
</tr>
<tr>
<td>Capital Expenditure</td>
<td>1,969</td>
<td>2,992</td>
<td>13,209</td>
<td>-34%</td>
</tr>
<tr>
<td>Depreciation, amortisation &amp; impairment</td>
<td>(2,366)</td>
<td>(2,366)</td>
<td>(7,100)</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Net Non-Operating Expenditure</strong></td>
<td>109</td>
<td>1,132</td>
<td>7,185</td>
<td>-90%</td>
</tr>
<tr>
<td><strong>Net Financial Liabilities (increase)/decrease</strong></td>
<td>22,203</td>
<td>21,207</td>
<td>(4,250)</td>
<td>5%</td>
</tr>
</tbody>
</table>
## Cashflow Statement
### For year to date 31 October 2012

<table>
<thead>
<tr>
<th></th>
<th>$,000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CASH FLOWS FROM OPERATING ACTIVITIES</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Receipts</strong></td>
<td></td>
</tr>
<tr>
<td>Operating receipts</td>
<td>15 216</td>
</tr>
<tr>
<td>Investment receipts (interest)</td>
<td>26</td>
</tr>
<tr>
<td><strong>Payments</strong></td>
<td></td>
</tr>
<tr>
<td>Operating payments to suppliers &amp; employees</td>
<td>13 044</td>
</tr>
<tr>
<td>Finance payments</td>
<td>305</td>
</tr>
<tr>
<td><strong>Net Cash provided by (or used in) Operating Activities</strong></td>
<td>1 893</td>
</tr>
</tbody>
</table>

|                                |       |
|**CASH FLOWS FROM INVESTING ACTIVITIES** |       |
| **Receipts**                    |       |
| Amounts specifically for new or upgraded assets |  225 |
| Sale of assets                  |  90   |
| Repayments of loans by community groups |  30   |
| **Payments**                    |       |
| Expenditure on assets           | 1 872 |
| Loans to community groups       |  70   |
| **Net Cash provided by (or used in) Investing Activities** | (1 597) |

|                                |       |
|**CASH FLOWS FROM FINANCING ACTIVITIES** |       |
| **Receipts**                    |       |
| Proceeds from borrowings        | 6 480 |
| **Payments**                    |       |
| Repayment of borrowings         | 6 886 |
| **Net Cash provided by (or used in) in Financing Activities** | (406) |

### Net Increase (Decrease) in cash held

|                                |       |
|**Net Increase (Decrease) in cash held** | (110) |

### Cash & cash equivalents at beginning of period

|                                |       |
|**Cash & cash equivalents at beginning of period** | 380   |

### Cash & cash equivalents at end of period

|                                |       |
|**Cash & cash equivalents at end of period** | 270   |
INFORMATION REPORT

REPORT TITLE: REVIEW OF CONFIDENTIALITY ORDERS
ITEM NUMBER: 605
DATE OF MEETING: 26 NOVEMBER 2012
AUTHOR: CAROL GOWLAND
JOB TITLE: EXECUTIVE ASSISTANT TO THE CEO

RESPONSIBLE OFFICER: PETER TSOKAS
JOB TITLE: CHIEF EXECUTIVE OFFICER
COMMUNITY GOAL: GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.

REPRESENTORS: NIL

ATTACHMENTS: 1 - CONFIDENTIAL ITEMS REVOKED BY CEO UNDER DELEGATION
2 - CONFIDENTIAL ITEMS REMAINING AS AT OCTOBER 2012

PURPOSE

Section 91(9)(a) of the Local Government Act requires Council to undertake a review of its confidentiality orders that operate for a period exceeding 12 months. This report provides Council on the status of documents with confidentiality orders as per Section 91(9)(a) of the Local Government Act up to 31 October 2012.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
BACKGROUND

Council last received a report on this matter on 23 April 2012 detailing confidentiality orders that had been made up to March 2012.

Under Section 91(9)(a) of the Local Government Act, Council is required to review any order that has operated for a period not exceeding 12 months, at least once in every year.

DISCUSSION

Once the confidentiality orders are removed by the Chief Executive Officer, the documents are made available on Council’s website. A new subject has been listed under ‘Agenda and Minutes’ on the website called ‘Confidentiality Orders’. There will also be an alert on ‘Latest News’ that will advise of documents which have had the order removed.

A review of each confidentiality order has been undertaken on an Item by Item basis by the responsible officer and those orders which have been able to be revoked by the Chief Executive Officer are listed in Attachment 1 to Item 605/12.

Attachment 1

Confidentiality orders which are to remain in place until the next review are detailed in Attachment 2 to Item 605/12.

Attachment 2

A number of items need to remain confidential because they contain legal advice, personal information, or ‘commercial in confidence’. The table below shows the number of items and the reason for the confidentiality order.

<table>
<thead>
<tr>
<th>No of Items</th>
<th>Reason for confidentiality</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Section 90(2) and (3)(a) of the Local Government Act – personal affairs</td>
</tr>
<tr>
<td>8</td>
<td>Section 90(2) and (3)(h) of the Local Government Act – legal advice</td>
</tr>
</tbody>
</table>

In the majority of cases, the confidentiality order only applies to the attachments.

CONCLUSION

Under the Local Government Act, Council is required to review all confidential orders on an annual basis. After undertaking an annual review, the attachment to this report lists all the items which have been revoked by the Chief Executive Officer, together with all Items which will remain in confidence.
## CONFIDENTIALITY ORDERS – ITEMS REVOKED BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION – UP TO 31 October 2012

<table>
<thead>
<tr>
<th>Committee and/or Council Meeting Date and Item No.</th>
<th>Topic</th>
<th>Section 90(3) Grounds for Confidentiality</th>
<th>Recommendation re Confidential Order</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2009</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item 36 Special Council 30/6/09</td>
<td>Centennial Park Cemetery Authority – Permission to Trade</td>
<td>Section 90(2) and (3)(j) of LGA.</td>
<td>Confidentiality order revoked by CEO October 2012.</td>
</tr>
<tr>
<td><strong>2012</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item 8 Council 27/8/12</td>
<td>2012 CEO Remuneration Review</td>
<td>Section 90(2) and (3)(a) of the LGA.</td>
<td>Confidentiality order revoked by CEO October 2012. Remuneration figures required to be made public.</td>
</tr>
</tbody>
</table>
## CONFIDENTIALITY ORDERS – STILL IN CONFIDENCE

### KEY:
- **Attachments remain confidential**

<table>
<thead>
<tr>
<th>Committee and/or Council Meeting Date and Item No.</th>
<th>Topic</th>
<th>Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)</th>
<th>Duration of the Order or Circumstances it will cease (and comments if necessary)</th>
<th>Status of Document and Recommendation re Confidentiality Order</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2005</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Services 8/9/05 Item 315 Council 26/9/05 Item 678</td>
<td>CEO Performance Review (M Withers)</td>
<td>Unreasonable disclosure of information relating to personal affairs</td>
<td>Review of confidentiality on this item to take place at August 06 Council meeting.</td>
<td>Maintain confidentiality in accordance with Council’s resolution.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Confidentiality order reviewed 5 May 2011. Confidentiality order reviewed 16/3/12.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Confidentiality order reviewed 3/10/12 – remain confidentiality order while Mr Withers employed in Local Government</td>
</tr>
<tr>
<td><strong>2009</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Item reviewed by CEO July 2010 – maintain confidentiality. Remake of confidential order May 2011. Maintain confidentiality until revoked by CEO.</td>
</tr>
<tr>
<td>Item 492 Council 25/5/09 Unley Swimming Centre</td>
<td>Unley Swimming Centre</td>
<td>Section 91(7) and 91(9). Legal Advice and Section 90(2) and (3)(h).</td>
<td>To be reviewed by CEO in June 2009. To be reviewed again in September 2009.</td>
<td>Maintain confidentiality in accordance with Council resolution.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Item reviewed by CEO July 2010 – maintain confidentiality. Remake of confidential order May 2011. Maintain confidentiality until revoked by CEO.</td>
</tr>
<tr>
<td>Committee and/or Council Meeting Date and Item No.</td>
<td>Topic</td>
<td>Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)</td>
<td>Duration of the Order or Circumstances it will cease (and comments if necessary)</td>
<td>Status of Document and Recommendation re Confidentiality Order</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>Council Item 527 27 July 2009</td>
<td>Unley Swimming Centre</td>
<td>Pursuant to Section 90(2) and (3)(h) of the Local Government Act. Legal Advice</td>
<td>The report, minutes and attachments will be kept confidential until the order is reviewed by the Chief Executive Officer.</td>
<td>Maintain confidentiality in accordance with Council resolution. Reviewed February 2010 and July 2010 – remain in confidence until legal issue settled. Remake of confidential order May 2011. Maintain confidentiality until revoked by CEO. Reviewed by CEO 3/10/12. Maintain on Attachments – Legal Advice.</td>
</tr>
<tr>
<td>Council Item 582 14 December 2009</td>
<td>Unley Swimming Centre</td>
<td>Pursuant to Section 90(2) and (3)(h) of the Local Government Act. Considering legal advice.</td>
<td>The report and attachments will be kept confidential until reviewed by the CEO.</td>
<td>Maintain confidentiality in accordance with Council resolution. Reviewed – February 2010 and July 2010 – Maintain confidentiality until legal issue settled. Remake of confidential order May 2011. Maintain confidentiality until revoked by CEO. Reviewed by CEO 4/10/12 – Maintain on Attachments – Legal advice.</td>
</tr>
<tr>
<td>Committee and/or Council Meeting Date and Item No.</td>
<td>Topic</td>
<td>Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)</td>
<td>Duration of the Order or Circumstances it will cease (and comments if necessary)</td>
<td>Status of Document and Recommendation re Confidentiality Order</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item 660 Council 27 April 2010</td>
<td>Brownhill Keswick Creek Stormwater Project – Legal opinion – Stormwater Management Plan and Implications</td>
<td>Pursuant to Section 90(2) and (3)(h) of the Local Government Act. Information provided in confidence.</td>
<td>Report and attachments remain confidential until reviewed by the CEO – June 2010.</td>
<td>Attachments only remain confidential as per Council resolution. Reviewed – July 2010 – Attachments to remain confidential. Remake of confidential order May 2011. Maintain confidentiality until revoked by CEO. Reviewed by CEO 3/10/12 – Attachments remain confidential (information provided in confidence.)</td>
</tr>
<tr>
<td>Item 58 Audit Committee 22 June 2010</td>
<td>Correspondence from Auditors</td>
<td>Pursuant to Section 90(2) and 3(i) of the Local Government Act. Information regarding employee.</td>
<td>Report, minutes and attachments remain confidential until reviewed by the CEO.</td>
<td>Reviewed by CEO 16/3/12 – Maintain Confidentiality. Reviewed by CEO 3/10/12 – Maintain confidentiality.</td>
</tr>
<tr>
<td>Committee and/or Council Meeting Date and Item No.</td>
<td>Topic</td>
<td>Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)</td>
<td>Duration of the Order or Circumstances it will cease (and comments if necessary)</td>
<td>Status of Document and Recommendation re Confidentiality Order</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>2011</td>
<td></td>
<td></td>
<td></td>
<td>Attachments remain confidential.</td>
</tr>
<tr>
<td>Item 65 Council 31 January 2011</td>
<td>Damage and Removal of two Eucalyptus Trees – Fashoda Street</td>
<td>Pursuant to Section 90(2) and (3)(h) of the LGA. Legal advice.</td>
<td>Section 91(7) and (9) LGA. Keep confidential for a period of 6 months.</td>
<td>Reviewed by CEO on 29/3/12 – Maintain confidentiality on report and attachments. Remove on Minutes. Report and attachments remain confidential.</td>
</tr>
<tr>
<td>Item 2 Special Council 3 February 2011</td>
<td>Strategic Land – District Centre Zone</td>
<td>Pursuant to Section 90(2) and (3)(d) of the Local Government Act 1999 Commercial Advantage.</td>
<td>Pursuant to Section 91(7) and (9) of the Local Government Act. Keep confidential for a period of 6 months.</td>
<td>Confidentiality order removed on Report, Minutes and Attachments 1, 2 and 3. 16 December 2011. Attachment 4 to remain confidential. Reviewed by CEO 5/10/12 – Attachment 4 to remain confidential.</td>
</tr>
<tr>
<td>Item 5 Special Council 5 February 2011</td>
<td>City of Unley v Partek and Mollison</td>
<td>Pursuant to Section 90(2) and (3)(h) of the LGA. Legal advice.</td>
<td>Section 91(7) and (9) LGA. Keep confidential for a period of 6 months.</td>
<td>Reviewed by CEO on 29/3/12 – Maintain confidentiality on report and attachments. Remove on Minutes. Report and attachments remain confidential.</td>
</tr>
<tr>
<td>Item 16 Audit Committee 29 March 2011</td>
<td>Correspondence from Auditor re Fullarton Park</td>
<td>Pursuant to Section 90(2) and 3(i) of LGA. Litigation</td>
<td>Order to be reviewed by CEO in December 2011.</td>
<td>Confidentiality order reviewed by CEO 16/3/12 – Maintain Confidentiality until DPA is approved by Minister. Reviewed by CEO 3/10/12 – Maintain confidentiality.</td>
</tr>
<tr>
<td>Item 26 CSP 18 April 2011</td>
<td>Development Plan Amendment – Local Heritage Places</td>
<td>Pursuant to Section 90(2) and (3)(m) of LGA.</td>
<td>Keep confidential until revoked by CEO.</td>
<td>Reviewed by CEO 29/3/12 – Maintain Confidentiality until DPA is approved by Minister. Review by CEO 3/10/12 – Maintain confidentiality (still not approved by</td>
</tr>
<tr>
<td>Committee and/or Council Meeting Date and Item No.</td>
<td>Topic</td>
<td>Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)</td>
<td>Duration of the Order or Circumstances it will cease (and comments if necessary)</td>
<td>Status of Document and Recommendation re Confidentiality Order</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Item 12 Special Council 30 May 2011</td>
<td>Strategic Land Acquisition – District Centre Zone</td>
<td>Section 90(2) and (3)(d) of LGA</td>
<td>Keep confidential until revoked by CEO.</td>
<td>Confidentiality order removed from Minutes on 16 December 2011. Attachments still confidential. Reviewed by CEO 30/3/12 – Attachments remain confidential. Reviewed by CEO 3/10/12 – Attachments remain confidential.</td>
</tr>
<tr>
<td>Item 28 Audit Committee 15 June 2011</td>
<td>Strategic Land Acquisition – District Centre Zone</td>
<td>Section 90(2) and (3)(d) of LGA</td>
<td>Keep confidential until revoked by CEO.</td>
<td>Confidentiality order removed from Minutes on 16 December 2011. Attachments still confidential. Reviewed by CEO 30/3/12 – Attachments remain confidential. Reviewed by CEO 3/10/12 – Attachments remain confidential.</td>
</tr>
<tr>
<td>Item 206 25 July 2011 Council</td>
<td>Strategic Land Acquisition – District Centre Zone</td>
<td>Section 90(2) and (3)(d) of LGA</td>
<td>Keep confidential until revoked by CEO.</td>
<td>Confidentiality order removed from Minutes on 16 December 2011. Attachments still confidential. Reviewed by CEO 30/3/12 – Attachments remain confidential. Reviewed by CEO 3/10/12 – Attachments remain confidential.</td>
</tr>
<tr>
<td>Item 34 Audit Committee 30 August 2011</td>
<td>Strategic Land Acquisition – District Centre Zone</td>
<td>Section 90(2) and (3)(d) of LGA</td>
<td>Keep confidential until revoked by CEO.</td>
<td>Confidentiality order removed from Minutes on 16 December 2011. Attachments still confidential. Reviewed by CEO 30/3/12 – Report and Attachments remain confidential. Reviewed by CEO 3/10/12 – Attachments remain confidential.</td>
</tr>
<tr>
<td>Committee and/or Council Meeting Date and Item No.</td>
<td>Topic</td>
<td>Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)</td>
<td>Duration of the Order or Circumstances it will cease (and comments if necessary)</td>
<td>Status of Document and Recommendation re Confidentiality Order</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-------</td>
<td>---------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Item 9 CEO Recruitment Committee 5 September 2011</td>
<td>Presentation by Stillwell Management Consultants re Applicants</td>
<td>Section 90(2) and (3)(a)</td>
<td>Keep confidential until revoked by CEO.</td>
<td>Reviewed by CEO 16/3/12 – Maintain confidentiality. Reviewed by CEO 3/10/12 – Maintain confidentiality.</td>
</tr>
<tr>
<td>Item 12 CEO Recruitment Committee 15 September 2011</td>
<td>Applicants for the position of Chief Executive Officer</td>
<td>Section 90(2) and (3)(a)</td>
<td>Keep confidential until revoked by CEO. Delegated to CEO.</td>
<td>Reviewed by CEO 16/3/12 – Maintain confidentiality. Reviewed by CEO 3/10/12 – Maintain confidentiality.</td>
</tr>
<tr>
<td>Item 27 Special Council 15 September 2011</td>
<td>Selection of Applicant for the position of Chief Executive Officer</td>
<td>Section 90(2) and (3)(a)</td>
<td>Keep confidential until revoked by CEO. Delegated to CEO.</td>
<td>Reviewed by CEO 16/3/12 – Maintain confidentiality. Reviewed by CEO 3/10/12 – Maintain confidentiality.</td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item 36 (Reserved) UBED / Council 27 February 2012</td>
<td>Unley Mainstreet Digital Economy Strategy</td>
<td>Pursuant to Section 90(2) and (3)(b) of the LGA</td>
<td>Report and attachment confidential until revoked by CEO</td>
<td>Reviewed by CEO 3/10/12 – Maintain confidentiality.</td>
</tr>
<tr>
<td>Adjourned Item 309 Item 403 Council</td>
<td>Maud Street Land Acquisition</td>
<td>Pursuant to Section 90(2) and (3)(d) of the LGA</td>
<td>Keep confidential until revoked by CEO.</td>
<td></td>
</tr>
<tr>
<td>Committee and/or Council Meeting Date and Item No.</td>
<td>Topic</td>
<td>Section 90(3) Grounds for Confidentiality (Note: Amendments to Sn 90 became operative on 22 May 2003)</td>
<td>Duration of the Order or Circumstances it will cease (and comments if necessary)</td>
<td>Status of Document and Recommendation re Confidentiality Order</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>23 April 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item 466 Council 25 June 2012</td>
<td></td>
<td>Centennial Park Cemetery Authority – Draft Operating Budget 2012-2013</td>
<td>Pursuant to Section 90(2) and (3)(d) of the LGA</td>
<td>Reviewed by CEO 3/10/12 – Maintain confidentiality on report and attachments</td>
</tr>
<tr>
<td>Item 469 Council 25 June 2012</td>
<td></td>
<td>Centennial park Cemetery Authority – Operating Budget Reconsideration 2011-2012</td>
<td>Pursuant to Section 90(2) and (3)(d) of the LGA</td>
<td>Reviewed by CEO 3/10/12 – Maintain confidentiality on report and attachments</td>
</tr>
<tr>
<td>Item 526 Council 27 August 2012</td>
<td></td>
<td>Request for Relief from Order for Costs</td>
<td>Pursuant to Section 90(2) and (3)(a) of the LGA. Personal affairs</td>
<td>Until revoked by the CEO</td>
</tr>
<tr>
<td>Adjourned item 132 CSP Council 27 August 2012</td>
<td></td>
<td>Street Tree Removal 26 Porter Street Parkside</td>
<td>Pursuant to Section 90(2) and (3)(h)(i) of the LGA. Legal advice and litigation</td>
<td>Untill revoked by the CEO</td>
</tr>
<tr>
<td>Item 556 Council 27 August 2012</td>
<td></td>
<td>Request to Purchase Land at Pasadena by Centennial Park Board of Management</td>
<td>Section 90(2) and (3)(d) of the LGA. Commercial advantage</td>
<td>Until revoked by the CEO</td>
</tr>
<tr>
<td>Item 559 Council 24 September 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


INFORMATION REPORT

REPORT TITLE: COUNCIL ACTION RECORDS
ITEM NUMBER: 606
DATE OF MEETING: 26 NOVEMBER 2012
AUTHOR: CAROL GOWLAND
JOB TITLE: EXECUTIVE ASSISTANT TO CEO
RESPONSIBLE OFFICER: PETER TSOKAS
JOB TITLE: CHIEF EXECUTIVE OFFICER

COMMUNITY GOAL:

GOE 2 - Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.

REPRESENTOR/S: NIL
ATTACHMENTS: 1. COUNCIL ACTION REPORT

PURPOSE

To provide an update on information and actions arising from resolutions of Council.

RECOMMENDATION

MOVED: SECONDED:

That:

1. The report be received.
<table>
<thead>
<tr>
<th>Meeting Type</th>
<th>Item No.</th>
<th>Subject and Council Resolution</th>
<th>Resp.</th>
<th>Status/Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>CURSC</td>
<td>74</td>
<td>Motion Without Notice - East Avenue - Pedestrian Refuge</td>
<td>General Manager Economic and Development</td>
<td>The pedestrian refuge will now be considered as part of the Local Area Traffic Management project and will be reported to the Committee.</td>
</tr>
<tr>
<td></td>
<td>76</td>
<td>Greenways Project - &quot;Sharrows' Concept</td>
<td>General Manager Economic and Development</td>
<td>DPTI working on approval of final designs. Once in place report will be prepared for Committee.</td>
</tr>
<tr>
<td></td>
<td>79</td>
<td>Myrtle Bank Local Area Traffic Improvements</td>
<td>General Manager Economic and Development</td>
<td>Funding for recommendations will be considered at the next budget review. If approved implementation will be undertaken.</td>
</tr>
<tr>
<td></td>
<td>80</td>
<td>Motion Without Notice - Rugby Street Bike Route</td>
<td>General Manager Economic and Development</td>
<td>Letter written to Mitcham Council. Letter received from Mitcham Council dated 13 November acknowledging Council's request and a response will be forwarded at the earliest possible opportunity.</td>
</tr>
<tr>
<td>CSP</td>
<td>110</td>
<td>Memorandum of Understanding with Urban Myth Theatre of Youth</td>
<td>GM Community</td>
<td>Being prepared.</td>
</tr>
<tr>
<td></td>
<td>125</td>
<td>Goodwood Community Services Partnering Agreement</td>
<td>General Manager Community</td>
<td>Partnering Agreement currently with Goodwood Community Services Board for endorsement.</td>
</tr>
<tr>
<td></td>
<td>126</td>
<td>Charles Lane Right of Way Agreement Extension</td>
<td>General Manager Economic &amp; Development</td>
<td>Agreements being prepared.</td>
</tr>
<tr>
<td></td>
<td>134</td>
<td>Commercial Dog Training in Parks</td>
<td>General Manager Community</td>
<td>Trainers to be advised and fees and charges register to be updated.</td>
</tr>
<tr>
<td></td>
<td>137</td>
<td>Land Management Agreement for Extension of Village Green</td>
<td>General Manager Community</td>
<td>Lawyers to prepare and executive documents with both parties.</td>
</tr>
<tr>
<td></td>
<td>138</td>
<td>Review of the Environment Plan 2010-13</td>
<td>General Manager Community</td>
<td>Plan amended. No further action required. COMPLETED</td>
</tr>
<tr>
<td></td>
<td>139</td>
<td>Policy Review 2012</td>
<td>General Manager People &amp; Governance</td>
<td>Policies updated and uploaded to website. COMPLETED</td>
</tr>
<tr>
<td>Meeting Item Subject and Council Resolution</td>
<td>Resp.</td>
<td>Status/Progress</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-------</td>
<td>-----------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motion Without Notice - Re Development Plan</td>
<td>General Manager Economic &amp; Development</td>
<td>A report titled Response to Development Plan related questions was tabled at August meeting on UBED. Following the discussion on the report a further report was requested on exploring options to make heritage buildings in the City of Unley more commercially viable.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Response to Development Plan related questions</td>
<td>General Manager Economic &amp; Development</td>
<td>List of heritage listed commercial properties made available to UBED Members. A further meeting with a business owner operating within listed heritage building to discuss the restrictions placed on heritage buildings by planning and buildings controls is to take place. Meeting yet to take place.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car Park Amalgamation Incentive Framework</td>
<td>General Manager Economic &amp; Development</td>
<td>Policy to be developed early 2013. Met with landowner of proposed pilot site 1 who indicated interest in developing site which may put short term intent of project on hold.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UBED Representation on Unley Gourmet Gala Reference Group</td>
<td>General Manager Economic &amp; Development</td>
<td>Manage Marketing and Communications advised. COMPLETED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motion Without Notice - Meeting Dates</td>
<td>General Manager Economic &amp; Development</td>
<td>Amending Terms of Reference to change meeting dates. COMPLETED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unley Oval Precinct Master Plan - Consultant Brief</td>
<td>General Manager Economic &amp; Development</td>
<td>Contract awarded. Project commenced. COMPLETED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preservation of Grey Box Trees at 18 Winifred Avenue Black Forest</td>
<td>General Manager Economic &amp; Development</td>
<td>Investigations currently taking place and report will be presented to Council once completed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meeting Type</td>
<td>No.</td>
<td>Subject and Council Resolution</td>
<td>Resp.</td>
<td>Status/Progress</td>
</tr>
<tr>
<td>--------------</td>
<td>-----</td>
<td>--------------------------------</td>
<td>-------</td>
<td>-----------------</td>
</tr>
<tr>
<td>573</td>
<td></td>
<td>Annual Report 2011-12</td>
<td>GM</td>
<td>Amendments made. COMPLETED</td>
</tr>
<tr>
<td>575</td>
<td></td>
<td>Nomination for Position on the Boundary Adjustment Facilitation Panel</td>
<td>GM</td>
<td>Nomination send to LGA on 5/11/12. COMPLETED</td>
</tr>
<tr>
<td>576</td>
<td></td>
<td>Appointment Selection Panel for Australia Day Awards</td>
<td>GM</td>
<td>COMPLETED</td>
</tr>
<tr>
<td>577</td>
<td></td>
<td>Village Living &amp; Desirable Neighbourhoods Development Panel Amendment</td>
<td>GM</td>
<td>Draft DPA3A prepared certified by CEO and submitted to DPTI. COMPLETED</td>
</tr>
<tr>
<td>589</td>
<td></td>
<td>Appointment of Members to the DAP</td>
<td>GM</td>
<td>Successful and unsuccessful applicants advised. COMPLETED</td>
</tr>
</tbody>
</table>
ITEM 607
QUESTIONS ON NOTICE FROM COUNCILLOR HUDSON RE MOTOR VEHICLES

The following Questions on Notice have been received from Councillor Hudson and the answers are provided:

Preamble:

I understand that statistics show that only 16% of cars purchased by Local Government are Australian made.

The questions have been prompted by a concerned Parkside resident upset by the recent closure of the Ford factory at Geelong.

Questions

1. Of the 30 or so cars used by Unley Council, how many are Australian made?

Answer

Council’s light fleet consists of 25 vehicle of which four are manufactured or primarily manufactured in Australia.

2. Is it correct that there is no legal compunction for those staff whose contracts include a car to purchase an Australian made vehicle?

Answer

There is no requirement within the current policy for the vehicle to be Australian made. The current policy provides for the best possible outcome in terms of value for money and this usually means a vehicle not manufactured within Australian will offer the best safety, environmental and efficiency options.

3. Is it possible for such a clause to be inserted in future contracts?

Answer

The standard Employment Agreement issued to staff eligible to salary sacrifice a fleet vehicle as part of their total employment package states that, the employee will be provided with the opportunity to salary sacrifice a Council maintained vehicle for private use as set out in the Council’s Motor Vehicle Policy. Any reference to be made limiting the type of vehicle and whether it is to be manufactured domestically would be included within the Motor Vehicle Policy and not the Employment Agreement. As discussed above this is not considered to be the best viable option.

4. If not, why not?

Answer

As an internal policy, changes and amendments to the Motor Vehicle Policy may be made from time to time upon the initiation and approval of Executive.

(This is page 48 of the Council Agenda Reports for 26 November 2012)
The correspondence from

- Australian Irish Dancing Association Inc
- Mrs Susan Mitchell
- Parliament of South Australia
- Hon Jennifer Rankine MP
- Mr Roger Freeman
- City of Mitcham

be noted.
9th October 2012

Mayor Lachlan Clyne
City of Unley
PO Box 1
Unley SA 5061

Dear Lachlan

On behalf of the members of the Australian Irish Dancing Association Inc. and the dancers who competed at the 2012 Australian Championships, we would like to thank the City of Unley for its sponsorship of the Junior Figure Dance Championship.

This sponsorship assisted us in providing quality medals, sashes and trophies to place-getters.

We were delighted to have you attend at the championships and present medals, and we hope you enjoyed our event.

The 6 day National Championship was a very successful one and your involvement and support helped us to achieve this.

Once again we offer our sincere thanks for your financial support to the 2012 Australian Irish Dancing Championships.

Yours sincerely

Margaret Atkinson
Margaret Atkinson ADCRG and Bianca Nicholls TCRG
Sponsorship co-ordinators
From: Sue Mitchell  
Sent: Thursday, 18 October 2012 10:17:39 PM  
To: PO Box1  
Subject: Wind turbines

Dear Mr Clyne

I am writing to you to express my alarm over the loophole that allows residents to install wind turbines in their backyards and on rooftops without council approval.

I hope that Unley Council is proposing to close this loophole. I find it ridiculous that wind farms have to be 1km from a town, but my neighbour can without impunity install a 30 foot wind turbine next to my home. It is bad enough with the noises emitted from pool pumps, air conditioners etc, without adding yet another source of distress for people living in the suburbs.

If people want to reduce their electricity ills they can install solar panels. At least they are not noisy.

I do hope that Unley Council acts soon to ensure that the Unley/Malvern/Unley Park areas are not blighted by these noisy, ugly structures.

Yours sincerely

Mrs Susan Mitchell
From: Roberts, Janine
Sent: Friday, 19 October 2012 1:07:32 PM
To: city@adelaidecitycouncil.com; mail@adelaidecitycouncil.com; alex@alexandrina.sa.gov.au; gmapy@anangu.com.au; barossa@barossa.sa.gov.au; barunga@barungawest.sa.gov.au; records@berribarmera.sa.gov.au; burnside@burnside.sa.gov.au; cityof@campbelltown.sa.gov.au; council@ceduna.sa.gov.au; council@charlessturt.sa.gov.au; admin@cgv.council.sa.gov.au; council@cleve.sa.gov.au; dcep@cppcouncil.sa.gov.au; council@coorong.sa.gov.au; info@coppercoast.sa.gov.au; dce@elliston.sa.gov.au; council@flindersrangescouncil.sa.gov.au; council@franklinharbour.sa.gov.au; council@gawler.sa.gov.au; council@goyder.sa.gov.au; info@dcgrant.sa.gov.au; mail@holdfast.sa.gov.au; kcouncil@kicouncil.sa.gov.au; council@dckem.sa.gov.au; council@kimba.sa.gov.au; info@kingstondc.sa.gov.au; light@light.sa.gov.au; mail@dclep.sa.gov.au; council@loxtonwaikerie.sa.gov.au; info@mallala.sa.gov.au; council@marion.sa.gov.au; postbox@mid-murray.sa.gov.au; mitcham@mitchamcouncil.sa.gov.au; council@dcembarker.sa.gov.au;
city@mountgambier.sa.gov.au; postmaster@mtr.sa.gov.au; j.daniels@rcmb.sa.gov.au;
council@nclc.sa.gov.au; cco@nacouncil.sa.gov.au; townhall@npsp.sa.gov.au;
mail@onkaparinga.sa.gov.au; council@orroro.sa.gov.au; council@peterborough.sa.gov.au;
playford@playford.sa.gov.au; custserv@portenf.sa.gov.au; admin@port Augusta.sa.gov.au;
plcs@plcs.sa.gov.au; council@pirie.sa.gov.au; admin@prospect.sa.gov.au;
council@renmarkparinga.sa.gov.au; council@rob.sa.gov.au; roxby@roxbycouncil.com.au;
city@salisbury.sa.gov.au; council@southernmallee.sa.gov.au; dcstreaky@streakybay.sa.gov.au;
office@tatiara.sa.gov.au; ctg@ctg.sa.gov.au; dctumby@tumbybay.sa.gov.au; PO Box1;
localgov@victor.sa.gov.au; admin@wakefielddc.sa.gov.au; walkervl@walkerville.sa.gov.au;
council@wattlesange.sa.gov.au; csu@wtcc.sa.gov.au; council@whyalla.sa.gov.au;
admin@wudinna.sa.gov.au; council@yankalilla.sa.gov.au; admin@yorke.sa.gov.au
Subject: Parliamentary Scrutiny of Development Plan

Dear Mayor/CEO

Pursuant to Section 27 of the Development Act 1993, the Minister for Urban Development and Planning has
referred to the Environment, Resources and Development Committee (the Committee) the amendments to the
Development Plan titled:

Statewide Wind Farms

The Committee advises relevant Councils and Members of Parliament when a Development Plan Amendment (DPA) is sent by the Minister for the Committee’s consideration.

A DPA has been gazetted and is therefore incorporated into the current Development Plan before referral to the
Committee. The Committee is not a further court or umpire in the process to amend a DPA. The Committee is a Standing Committee of the South Australian Parliament and its statutory role and function regarding DPAs is that of a final check and balance. The Committee has an interest in adherence to the requirements of the Development Act, system trends, compliance with the overarching state-wide planning and
corruption.

The Committee welcomes your views or comments on the DPA.

The Development Act provides 28 days for the Committee to make a resolution on the amendment. The DPA can be found at the Committees webpage; go to www.parliament.sa.gov.au and follow the links. If you wish to provide information to the Committee, your submission should be addressed to the Executive Officer at the address above, or contact me on 8237 9387. This should be done before 9.00am on 31 May 2012. No response will be regarded as an indication that you do not wish to provide any information relating to the amendment.

file://C:\DATA\WRKS\temp\2192794\dwa190.htm

23/10/2012
Yours sincerely

Philip Frensham
EXECUTIVE OFFICER

Janine Roberts
Administrative Officer
Committees Office
Parliament of South Australia

Phone:
Fax:
Email:

This e-mail (including attachments) may contain confidential information, which may be legally privileged. Only the intended recipient may access, use, distribute or copy this e-mail. If this e-mail is received in error, please inform the sender by return e-mail and delete the original. If there are doubts about the validity of this message, please contact the sender by telephone. It is the recipient's responsibility to check the e-mail and any attached files for viruses.
Hon Jennifer Rankine MP

ESS 12-503

Mayor Lachlan Clyne
City of Unley
PO Box 1
UNLEY SA 5061

Dear Mayor Clyne

It is my pleasure to inform you that I have approved your application for project funding under the 2012-13 Natural Disaster Resilience Program as follows:

$60,000 for the Detailed Design for South Park Lands Detention Basins Project

The Natural Disaster Resilience Program Coordinator in SAFECOM will make contact shortly to finalise the contractual and financial arrangements.

I understand that you may have further questions about this grant. To further assist, you are more than welcome to contact Ms Linda Haskins to discuss possible conditions around funding. Ms Haskins is available on 8463 4150 or email haskins.linda@safe.com.sa.gov.au.

I wish you every success with your projects and commend your commitment to improving South Australia’s emergency services capacity.

Yours sincerely

[Signature]

Hon Jennifer Rankine MP
MINISTER FOR EMERGENCY SERVICES

7/6/2012

cc Mr Michael Salkeld, Project Director Brown Hill Keswick Creek Stormwater Project
9 November 2012

Mr Stephen Faulkner
General Manager People and Governance
City of Unley
PO Box 1
UNLEY SA 5061

Dear Stephen

RE: DEVELOPMENT ASSESSMENT PANEL VACANCIES

I refer to your letter dated 26 October 2012 advising that I was unsuccessful in my application to the City of Unley Development Assessment Panel (DAP).

I appreciated the opportunity to apply for the new DAP and for the two years that I served on the DAP. It has been a very good DAP, ably led by Terry and supported by the Council’s planning staff. The staff’s advice and reports were of a high standard; given the high number of applications that had to be determined by the DAP this is no easy feat.

As the DAP has raised with the Council in its report and also as recommended by the report from Shanti Ditter, I am of the strong opinion that Council needs to address the issue of increased delegation to planning staff and the high number of circumstances where applications are subject to Category 2 public notification. The latter gives rise to a significant number of minor applications having to be referred to the DAP for determination, adding to the already high workload of staff reducing the time available for more through assessments of major applications, more work on minor matters by the DAP and a level of frustration, and cost, for both representatives and applicants.

I hope these two matters can be addressed during the term of the new DAP.

Thanks again for the opportunity to be a member of the DAP.

Yours sincerely

Roger Freeman
13 November 2012

Reference
FF/2011/4228
Phone: 8372 8888

Mr Peter Tsokas
Chief Executive Officer
City of Unley
PO Box 1
UNLEY SA 5061

Dear Mr Tsokas

RUGBY STREET BIKE ROUTE

Thank you for your correspondence dated 7 November 2012 in relation to the Rugby Street Bike Route and your council's request for the City of Mitcham's views regarding the extension of the bikeway.

Your correspondence has been forwarded to Council's Senior Traffic Engineer, Mr Ashni Kumar and is receiving attention. A response will be forwarded at the earliest opportunity.

Yours sincerely

[Signature]

ROSALINDA CALABRO
ADMINISTRATION OFFICER, ENGINEERING SERVICES
ITEM 609
MOTION OF WHICH NOTICE HAS BEEN GIVEN

NOTICE OF MOTION FROM COUNCILLOR TIPPER RE APPOINTMENT OF DEPUTY MAYOR.

Councillor Tipper has given notice of intention to move the following motion at the Council meeting to be held on 26 November 2012:

That:

(1) The decision made by Council at its meeting held on 13 December 2010, namely:

Council does not appoint a Deputy Mayor for the term of the Council.

be revoked in its entirety.

PREAMBLE

There has been interest shown by several Elected Members to appoint a Deputy Mayor.

For Council to appoint a Deputy Mayor, the previous decision of Council to 'not appoint a Deputy Mayor' needs to be revoked.

A Council report is provided in this Agenda to seek nominations for the position of Deputy Mayor. If more than one nomination is received, a vote will be conducted in line with Council’s Code of Practice, Meeting Procedures.
ITEM 610
UNRESOLVED ITEMS

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Item</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council 28/11/11</td>
<td>Item 301 Appointment of Deputy Mayor (copy attached)</td>
<td>This item to be removed from future agendas as the motion is beyond the power of Council (ultra vires to the previous motion from 13 December 2010, “That Council does not appoint a Deputy Mayor for the term of Council.”)</td>
</tr>
</tbody>
</table>

(This is page 51 of the Council Agenda Reports for 26 November 2012)
ITEM 622
ADJOURNED DEBATE
ITEM 46 – UNLEY BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE – GLEN OSMOND ROAD SEPARATE RATE NEGOTIATION

Prior to debate on this Item, Councillor Rowe declared a conflict of interest due to his employment at the City of Burnside, and left the meeting at 8.20 pm.

MOVED Councillor Hudson
SECONDED Councillor Tipper

That:

1. The report be received.

2. Any action on a consultation process on the proposed collection of a separate rate for the marketing activities of the Glen Osmond Road Precinct Association be postponed until such time as the future of the Association is determined.

3. Burnside Council be requested, as a matter of urgency, to hold formal discussions with the City of Unley over the future of the Glen Osmond Road Precinct Association, with particular reference to the present inequitable situation of no financial contributions being received from businesses on the Burnside sector of the precinct.

MOVED Councillor Birch
SECONDED Councillor Hewitson

That the Item lay on the table.

CARRIED
ITEM 301  
APPOINTMENT OF DEPUTY MAYOR

MOVED Councillor Lapidge  
SECONDED Councillor Hewitson

That:

1. The report be received.
2. A Deputy Mayor not be appointed.

MOVED Councillor Koumi  
SECONDED Councillor Palmer

That the Motion lie on the table.  
CARRIED
DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 612 – RECOVERY OF COSTS

ITEM NUMBER: 611
DATE OF MEETING: 26 NOVEMBER 2012
AUTHOR: CAROL GOWLAND
JOB TITLE: EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE OFFICER
RESPONSIBLE OFFICER: DAVID LITCHFIELD
JOB TITLE: GENERAL MANAGER ECONOMIC DEVELOPMENT AND PLANNING

COMMUNITY GOAL: GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.

REPRESENTORS: NIL
ATTACHMENTS: NIL

PURPOSE

To recommend that Item 612 be considered in confidence at the 26 November 2012 Council meeting and that the Minutes, Attachments and Resolutions referring to this report remain confidential until the item is revoked by the Chief Executive Officer at a future date.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 the Council orders the public be excluded, with the exception of the following:

   Mr P Tsokas, Chief Executive Officer
   Mr D Litchfield, General Manager Economic Development and Planning
   Mr S Faulkner, General Manager People and Governance
   Ms M Berghuis, General Manager Community
   Mr J Devine, General Manager Assets & Infrastructure
   Ms K Loughhead, A/Manager Governance

(This is page 52 of the Council Agenda Reports for 26 November 2012)
Ms C Gowland, Executive Assistant to CEO

on the basis that it will receive and consider a report on the recovery of costs, and that the Council is satisfied that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead),

because, disclosure of this information would be contrary to the public interest.
PURPOSE

To recommend that the Minutes, Report and Attachments relating to Item 612 remain in confidence at the 26 November 2012 Council meeting until the order is revoked by the Chief Executive Officer.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.

2. Pursuant to Section 91(7) and (9) of the Local Government Act:

2.1 The

☐ Minutes
☐ Report
☑ Attachments
remain confidential on the basis that the information contained in this report contains information with regard to the property owner’s personal and financial affairs, and

2.2 the report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.
DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 615 – CENTENNIAL PARK CEMETERY AUTHORITY – PROVISION OF SERVICES

ITEM NUMBER: 614
DATE OF MEETING: 26 NOVEMBER 2012
AUTHOR: CAROL GOWLAND
JOB TITLE: EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE OFFICER

RESPONSIBLE OFFICER: PETER TSOKAS
JOB TITLE: CHIEF EXECUTIVE OFFICER

COMMUNITY GOAL: GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.

REPRESENTORS: NIL
ATTACHMENTS: NIL

PURPOSE

To recommend that Item 615 be considered in confidence at the 26 November 2012 Council meeting and that the Minutes, Attachments and Resolutions referring to this report remain confidential until the item is revoked by the Chief Executive Officer at a future date.

RECOMMENDATION

MOVED: 
SECONDED: 

That:

1. Pursuant to Section 90(2) and (3)(d) of the Local Government Act 1999 the Council orders the public be excluded, with the exception of the following:

   Mr P Tsokas, Chief Executive Officer
   Mr D Litchfield, General Manager Economic Development and Planning
   Mr S Faulkner, General Manager People and Governance
   Ms M Berghuis, General Manager Community
   Mr J Devine, General Manager Assets & Infrastructure
   Ms K Loughhead, A/Manager Governance

(This is page 59 of the Council Agenda Reports for 26 November 2012)
Ms C Gowland, Executive Assistant to CEO

on the basis that it will receive and consider the report on Centennial Park Cemetery Authority – Provision of Services, and that the Council is satisfied that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –

(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

(ii) would, on balance, be contrary to the public interest,

because, the provision of services to other parties, may confer a commercial advantage to a third party causing an unfair advantage and a higher price to be paid. Disclosure of this information would be contrary to the public interest.
DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 615 – CENTENNIAL PARK CEMETERY AUTHORITY PROVISION OF SERVICES

ITEM NUMBER: 616
DATE OF MEETING: 26 NOVEMBER 2012
AUTHOR: CAROL GOWLAND
JOB TITLE: EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE OFFICER

RESPONSIBLE OFFICER: PETER TSOKAS
JOB TITLE: CHIEF EXECUTIVE OFFICER

COMMUNITY GOAL: GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.

REPRESENTORS: NIL
ATTACHMENTS: NIL

PURPOSE

To recommend that the Minutes, Report and Attachments relating to Item 615 remain in confidence at the 26 November 2012 Council meeting until the order is revoked by the Chief Executive Officer.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.

2. Pursuant to Section 91(7) and (9) of the Local Government Act:

   2.1 The

   ☑ Minutes
   ☑ Report
   ☑ Attachments
remain confidential on the basis that the information supplied could confer a commercial advantage on a third party, and

2.2 the report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.