

CITY OF HOLDFAST BAY

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton, on Tuesday 23 May 2006 at 7:04pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R D C Edwards
Councillors	R M Bouchée
	J L Deakin
	P W Dixon
	J Donaldson
	C J Lush
	P L Macaskill
	A C Norton
	D J Swiderczuk
	S K Tilley
Chief Executive Officer	R T Donaldson
General Manager Economic and Corporate	D G Chamberlain
General Manager Environment and Engineering	C A Sheffield
General Manager Social and Organisation	C E Umaphysivam
Executive Manager Strategy and Development	S L Ditter

1. OPENING

His Worship the Mayor, declared the meeting open with prayer at 7:04pm.

2. PRESENTATION Nil

Councillor Edwards left the meeting at 7:05pm

3. APOLOGIES

- 3.1 **For Absence** Councillor P N Crutchett
- 3.2 **Leave of Absence** Councillor P L Holt

Councillor Dixon moved and Councillor Macaskill seconded that leave of absence be granted to Councillor Holt.

CARRIED

4. CONFIRMATION OF MINUTES

Councillor Deakin moved and Councillor Tilley seconded that the minutes of the Ordinary Meeting of Council held on Tuesday 9 May 2006 be taken as read and confirmed.

CARRIED

5. MAYORAL REPORT

From 19 April 2006 to 12 May 2006

Councillor Lush moved and Councillor Donaldson seconded that the report be received and noted, subject to inclusion of a notation that the Deputy Mayor, Councillor Edwards represented the Council at the Anzac Day Dawn Service at Glenelg.

CARRIED

6. QUESTIONS BY MEMBERS**6.1 Without Notice****6.1.1 Various Questions regarding Surf Life Saving Clubs**

Councillor Tilley asked the following questions:

Has Council in the past been given copies of the Income and Expenditure Statements of all of the Surf Life Saving Clubs within our City.

Do we take into consideration the capacity of Surf Life Saving Clubs to earn revenue from the upgraded Surf Life Saving Club facilities.

When would it be appropriate to review the Surf Life Saving Clubs and other groups rental settings.

The Chief Executive Officer provided answers to these questions.

6.2 With Notice Nil

7. REPORTS BY DELEGATES OR REPRESENTATIVES Nil

8. PETITIONS AND DEPUTATIONS Nil

9. NOTICES OF MOTION**9.1 LG Residential Seminar – Attendance by Elected Members**

In accordance with his notice of motion Councillor Deakin moved and Councillor Bouchée seconded that Council provide for the attendance of any interested Elected Members at the Local Government Residential Seminar to be held at Victor Harbor in June 2006.

CARRIED

9.2 Rescission Motion – Brighton Surf Life Saving Club – Funding Opportunity

Councillor Crutchett has given notice that at the meeting of Council on Tuesday 23 May 2006 he will move that:

Council rescind motion EC240106/023 part 3 “That if necessary as a result of securing an earlier than predicted allocation from the State Government for the completion of the BSLSC redevelopment from the State Government, this amount will be provided by Council in the 2006/2007 financial year.”

If successful I will move the following motion.

Council consider the \$ 800,000 funding of the replacement Brighton Surf Life Saving club during the 2006/2007 budget preparation with priority for full funding in 2006/2007. However if the funding of this project is deemed to have too greater impact on the need to increase rates, funding be considered over two years.

Background

The Council is preparing its budget on the basis of a 5.7% increase in revenue and I believe we need flexibility during the budget preparation to consider the best outcome for our ratepayers.

Chief Executive Officer Comment

By way of clarification, it is understood that this motion, if passed, refers to the arrangements by which Council would manage the financial impact of this project, but would not alter the commitment to provide the full anticipated Council funding share in the 2006/2007 year.

This notice of motion will be considered at the next meeting of Council due to Councillor Crutchett's absence.

Councillor Edwards returned to the meeting at 7:12pm

**10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(7:13PM)**

Councillor Deakin moved and Councillor Donaldson seconded that Council stand adjourned to enable the permanent Economic and Corporate and Environment and Engineering Committees to meet.

CARRIED

11. RESUMPTION

Councillor Swiderczuk moved and Councillor Deakin seconded that Council resume at 8:56pm.

CARRIED

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION**12.1 Economic and Corporate Committee**

The Acting Chairperson, Councillor Deakin reported that the Economic and Corporate Committee had met this evening and had processed the business contained in the agenda documents.

Councillor Deakin moved and Councillor Macaskill seconded that the report of the Economic and Corporate Committee, the agenda documents and approved recommendations, together with the additional recommendations from the meeting be adopted, except item 8.6.

CARRIED

Councillor Swiderczuk declared a conflict of interest in item 8.6 of the Economic and Corporate Committee Agenda papers, due to a matter affecting his employer and left the meeting at 8:58pm.

C230506/119 Councillor Deakin moved and Councillor Macaskill seconded that the recommendations of the Economic and Corporate Committee in relation to item 8.6 of the Economic and Corporate Committee agenda of 23 May 2006 be adopted.

CARRIED

Councillor Swiderczuk returned to the meeting at 8:59pm

12.2 Environment and Engineering Committee

The Chairperson, Councillor Dixon reported that the Environment and Engineering Committee had met this evening and had processed the business contained in the agenda documents.

Councillor Dixon moved and Councillor Lush seconded that the report of the Environment and Engineering Committee, the agenda documents and approved recommendations, together with the additional recommendations from the meeting be adopted.

CARRIED

13. DEVELOPMENT ASSESSMENT PANEL

Councillor Swiderczuk moved and Councillor Lush seconded that the minutes of the Development Assessment Panel held on Wednesday 10 May 2006 be received.

CARRIED

The Presiding Member, Councillor Macaskill reported that the Development Assessment Panel had processed the business contained in the agenda documents on Wednesday 10 May 2006 and had made certain recommendations in relation to the following DAP items.

Item 7.2 APPEAL – REAR OF 42 JETTY ROAD, BRIGHTON

Following lodgement of an appeal against the Panel's refusal of an application to construct a garage on land to the rear of 42 Jetty Road Brighton, amended plans have been submitted for further consideration. The revised proposal, which significantly alters the scale, appearance and siting of the building, is considered acceptable.

It was the consensus of the Development Assessment Panel that the Development Assessment Panel recommends to Council that the Environment Resources and Development Court be advised that Council supports the amended plans subject to the following conditions of Provisional Development Plan Consent.

1. **That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved unless varied by any subsequent conditions imposed herein.**
2. **That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.**
3. **That adequate provision be made for the disposal of storm water to the reasonable satisfaction of Council. Where possible, storm water should be retained on site by the use of natural drainage methods. Details shall be provided and approved by Council prior to the issuing of Development Approval.**
4. **That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.**

Item 7.3 APPEAL – 24 ARUNDEL ROAD, BRIGHTON

Following the lodgement of an appeal against the Panel's refusal of an application for a carport adjoining the southern boundary; verandah attached to the side and rear of the dwelling adjoining northern boundary and removal of a significant Canary Island Date Palm, the appellant has submitted an amended proposal for further consideration. The amended proposal shows that the proposed carport would be set-back 1.0 metre from the southern boundary and the southern side of the structure would be clad with 'hardi sheet'. The removal of the significant tree is no longer being considered as a part of this application as the applicant has lodged a separate application which was approved under delegation on 24 March 2006. It is considered that the amendments made adequately address the set-back, visual impact and overshadowing issues with the previous proposal and that the compromise proposal has merit for the Panel's support.

It was the consensus of the Development Assessment Panel that the Development Assessment Panel recommends to Council that the Environment Resources and Development Court be advised that Council supports the amended proposal for Development Application 110/00562/05 subject to the following conditions:

1. **That the design and siting of all buildings and structures and site works shall be as shown on the amended plans unless varied by any subsequent conditions imposed herein.**
2. **That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.**
3. **That the external appearance and external materials and finishes of the verandah and carport shall match or blend with the existing building.**
4. **That adequate provision be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.**
5. **That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.**

Councillor Deakin moved and Councillor Swiderczuk seconded that the recommendations of the Development Assessment Panel held on Wednesday 10 May 2006 for Item No: 7.2 and Item No: 7.3 be adopted.

CARRIED

14. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES

14.1 Jetty Road Mainstreet Board

Minutes of the Jetty Road Mainstreet Board Meeting held Wednesday 12 April 2006.

C230506/120 Councillor Tilley moved and Councillor Dixon seconded that the Minutes of the Jetty Road Mainstreet Board Committee held on Wednesday 12 April 2006 be received.

CARRIED

Councillor Dixon left the meeting at 8:59pm

15. REPORTS OF REGIONAL SUBSIDIARIES**15.1 Southern Region Waste Resource Authority**

Minutes of the Southern Region Waste Resource Authority meeting held Monday 1 May 2006.

C230506/121 Councillor Deakin moved and Councillor Bouchée seconded that the Minutes of the Western Region Waste Management Authority meeting held on Monday 1 May 2006 be received.

CARRIED

16. REPORTS BY OFFICERS**16.1 Items in Brief (Report No: 244/06)**

Report No: 244/06 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C230506/122 Councillor Swiderczuk moved and Councillor Norton seconded that the report be noted and items of interest be discussed.

CARRIED

16.2 Delegations Relating to Environment Resources and Development Court Appeals (Report No: 239/06)

Report No: 239/06 was presented advising that a review of Council's delegations has revealed that delegations do not exist for the CEO to negotiate minor variations to conditions and proposals in an Environment Resources and Development (ERD) Court conference or hearing situation. This report recommends a set of delegations for Council's consideration.

C230506/123 Councillor Lush moved and Councillor Donaldson seconded that Council in exercise of the powers contained in Section 44 of the Local Government Act 1999 those powers, functions and duties under the Local Government Act 1999 ("the Act") delegated this day, 23 May, 2006 to the person occupying the office of Chief Executive Officer of the City of Holdfast Bay in a matter in relation to which he is required or authorized to act in the course of their official duties. The Chief Executive Officer is authorized to further sub-delegate those powers, functions or duties to another officer or officers of the Council, as follows:

- 1. Power to negotiate outcomes in Environment Resources and Development Court Conferences.**
- 2. The power pursuant to Section 36(1)(a)(i) of the Local Government Act 1999 to:

 - 2.1 Attend a conference initiated pursuant to Section 16 of the Environment, Resources and Development Act 1934 ("a Section 16 Conference") on behalf of the Council;**
 - 2.2 Negotiate on behalf of the Council in relation to the outcome at a Section 16 Conference; and**
 - 2.3 Enter into an arrangement on behalf of the Council at a Section 16 Conference.****

CARRIED

Councillor Dixon returned to the meeting at 9:01pm

Councillor Donaldson left the meeting at 9:03pm

Councillor Donaldson returned to the meeting at 9:04pm

16.3 Holdfast Shores Stage 2B – Celebrations to mark the completion of the Holdfast Shores Development and the opening of Brian Nadilo Reserve (Report No: 240/06)

Report No: 240/06 was presented advising that at its meeting on 21 March 2006 the Holdfast Shores Stage 2B Project Board Sub-Committee resolved that a report be prepared for Council to consider an event to mark the completion of the Holdfast Shores Stage 2B Development and to celebrate the opening of the Brian Nadilo Reserve. The purpose of this report is to update Council on an event proposal and to obtain Council endorsement on a preferred event format and expenditure.

C230506/124 Councillor Lush moved and Councillor Swiderczuk seconded that Council:

- 1. Notes and receives Attachment 1 to Report No: 240/06.**
- 2. Endorses Option 3 as its preferred event option to Celebrate the completion of the Holdfast Shores Stage 2B Development and the opening of the Brian Nadilo Reserve; and**
- 3. Makes a budget amount of \$25,000 in its 2006 – 07 budget for the purposes of the event.**

C230506/125 Councillor Macaskill moved and Councillor Swiderczuk seconded that the motion be put.

CARRIED

A division was called.

Voted For

Councillor Deakin
Councillor Dixon
Councillor Donaldson
Councillor Edwards
Councillor Lush
Councillor Macaskill
Councillor Norton
Councillor Swiderczuk

Voted Against

Councillor Bouchée
Councillor Tilley

THE MAYOR DECLARED THE MOTION CARRIED

Councillor Norton left the meeting at 9:16pm

Dennis Chamberlain, Christine Umapathysivam, Shanti Ditter and Charles Sheffield left the meeting at 9:16pm

16.4 Person to Act in the Absence of the Chief Executive Officer (Report No: 250/06)

Report No: 250/06 was presented to Council advise that pursuant to Section 102(b) of the Local Government Act 1999, the Chief Executive Officer can appoint a suitable person to act in the office of Chief Executive in the absence of the Chief Executive Officer. The appointment requires prior consultation with the Council.

The purpose of this report is to consult Council on the appointment of persons to act as the Chief Executive Officer from time to time.

C230506/126 Councillor Macaskill moved and Councillor Bouchée seconded that Council concurs with the appointment, as and when required, of one of the following senior officers:-

- **General Manager Strategy and Development;**
- **General Manager Environment and Engineering;**
- **General Manager Social and Organisation;**

to act in the office of Chief Executive Officer during any periods of absence of the Chief Executive Officer.

CARRIED

Dennis Chamberlain, Christine Umapathysivam, Shanti Ditter and Charles Sheffield returned to the meeting at 9:19pm

Councillor Norton returned to the meeting at 9:20pm

Dennis Chamberlain left the meeting at 9:20pm

16.5 Appointment of Member to the Southern Region Waste Resource Authority (Report No: 254/06)

Report No: 254/06 was presented to Council advising that it is necessary, as a result of the impending appointment of Mr Dennis Chamberlain as General Manager Alwyndor Aged Care, to replace him as one of Council's Members of the Board of the Southern Region Waste Resource Authority. The appointment of a replacement Member until the end of the current term of Council in November 2006 is recommended, following which the appointment of both of Council's Members should be reviewed.

C230506/127 Councillor Deakin moved and Councillor Dixon seconded:

- 1. That Council confirms in principle that it intends to continue to appoint one Elected Member and one senior officer (the latter to have relevant professional expertise, preferably with a financial management focus) as its appointees to the Board of the Southern Region Waste Resource Authority.**
- 2. That Council appoints Councillor Bouchée as a Member of the Southern Region Waste Management Authority, together with the existing appointee, being Councillor Deakin, until the end of the present term of the Council.**

CARRIED

Dennis Chamberlain returned to the meeting at 9:22pm

16.6 Airport Development and Aviation Noise Ombudsman Bill 2006 (Report No: 255/06)

Report No: 255/06 was presented to Council informing Members that the Federal Member for Hindmarsh has introduced the Airport Development and Aviation Noise Ombudsman Bill 2006 in to Parliament. The Bill seeks the establishment of an ombudsman for airport development and aviation noise.

Following review of the Bill by Administration, a draft submission to the Minister for Transport and Regional Services and the Federal Member for Hindmarsh has been prepared and is provided for Council's consideration.

C230506/128 Councillor Swiderczuk moved and Councillor Lush seconded that Council endorses the draft submission located at Attachment 2 to Report Number 255/06 to the Minister for Transport and Regional Services, the Hon Warren Truss MP, and the Federal Member for Hindmarsh, Mr Steve Georganas MP, regarding the Airport Development and Aviation Noise Ombudsman Bill 2006.

CARRIED

16.7 Functions and Rules of Alwyndor Board of Management (Report No: 257/06)

Report No: 257/06 was presented to Council advising that the Functions and Rules of the Alwyndor Board of Management are regularly reviewed by both the Board and Council. The Board has recommended some changes to the Functions and Rules document, which are now presented for Council's consideration.

It is also appropriate to take this opportunity to separately confirm the Council's delegation of powers to the Board in relation to the management and operation of the Alwyndor facility.

C230506/129 Councillor Lush moved and Councillor Donaldson seconded:

- 1. That the recommendation of the Alwyndor Board of Management (the Alwyndor Committee) set out in Attachment 1 to Report Number 257/06, be received.**
- 2. That the Alwyndor Committee Functions and Rules document as reviewed and amended, and included in Attachment 1 to Report Number 257/06, be adopted.**
- 3. That pursuant to Section 44 of the Local Government Act 1999, Council delegates to the Alwyndor Committee the power and duty to act on behalf of the Council in all things necessary for the efficient and proper operation of Alwyndor Aged Care in accordance with the objects set out in the Committee's Functions and Rules as amended from time to time, and in particular (but without limiting the generality of the foregoing):-**
 - 3.1 the Committee may employ such staff as it considers necessary pursuant to the objects of Alwyndor, within the financial constraints of any budget;**
 - 3.2 the Committee shall do all things necessary to satisfy and comply with the requirements of any South Australian or Australian Government department or agency exercising powers or providing benefits pursuant to the Income Tax Assessment Act 1936 and any statutory modification or amendment thereto, the Aged Care Act 1997 and any statutory modifications or amendments thereto, the National Health Act 1953 and any statutory modification or amendment thereto, the Nursing Homes Assistance Act 1974 and any statutory modification or amendment thereto, the Sales Tax (Exemptions and Classification) Act in relation to Alwyndor and every other law of the State of South Australia or the Commonwealth which may affect the proper and efficient operation of Alwyndor;**

- 3.3 the Committee shall implement internal systems as required by the Local Government Accounting Regulations;
- 3.4 the rules of the Committee shall be available upon request and shall be provided to all members upon appointment by Council;
- 3.5 the Committee shall regularly review the City of Holdfast Bay Alwyndor Committee Functions and Rules document;
- 3.6 the Committee shall not borrow any funds without the prior written approval of Council;
- 3.7 the Committee may further delegate these powers and duties to employees of the City of Holdfast Bay and/or Alwyndor Aged Care.

CARRIED

16.8 Liquor Licence Application for Getaway Cruises and Charters – Special Circumstances Licence (Report No: 236/06)

Report No: 236/06 was presented to Council advising that an application has been made to the Liquor and Gaming Commissioner for a Special Circumstances Licence by Longshot Cruises and Charters Pty Ltd identified as Getaway Cruises & Charters situated at Holdfast Shores Marina, Glenelg.

It is recommended that Council advise the Office of the Liquor and Gambling Commissioner that it has no objection to the application.

C230506/130

Councillor Dixon moved and Councillor Deakin seconded that Council recommends that the Liquor and Gambling Commissioner be advised that Council does not object to the application for Getaway Cruises and Charters for a Special Circumstances Licence for a licensed charter boat operation as outlined in the 'Details of Application' provided by Longshot Cruises and Charters Pty Ltd dated 20 April 2006, subject to the following conditions:

1. The vessel is not permitted to enter or depart from Holdfast Shores Marina outside of the hours of 8:00am to 11:30pm Monday to Saturday and 8:00am to 11:00pm Sunday, except for New Years Eve where the vessel shall return to the Marina by 1:00am and all passengers shall have disembarked by 1:30am. Return may be delayed when a gale warning is issued unexpectedly.
2. That loading and unloading of passengers shall be limited to the Holdfast Shores Marina charter wharf. No passengers shall board the vessel or be set down along the Patawalonga Frontage.
3. That the consumption of alcohol on the vessel be limited to when the vessel is in open water only and not within the Patawalonga or the Holdfast Shores Marina.
4. That entertainment on the vessel in accordance with the Entertainment Consent shall be limited to when the vessel is in open water only and not within the Patawalonga or the Holdfast Shores Marina.
5. Adequate measures are taken by the licensee to ensure that the conduct of the patrons from the vessel onto the Marina is orderly and proper and does not result in undue offence, annoyance, disturbance or inconvenience to adjoining patrons, land owners or occupiers.
6. That the licence shall be issued subject to a trial period of twelve (12) months.

A division was called.

Voted For

Voted Against

Councillor Bouchée
 Councillor Deakin
 Councillor Dixon
 Councillor Donaldson
 Councillor Edwards
 Councillor Lush
 Councillor Macaskill
 Councillor Norton
 Councillor Swiderczuk
 Councillor Tilley

THE MAYOR DECLARED THE MOTION CARRIED

16.9 Draft Metropolitan Adelaide Industrial Land Strategy – March 2006 for Consultation (Report No: 237/06)

Report No: 237/06 was presented to Council informing Members that the Minister for Urban Development and Planning, the Hon Paul Holloway MP, has recently released the draft Metropolitan Adelaide Industrial Land Strategy for consultation.

The purpose of this report is to highlight the key contents of the draft Strategy as it relates to the City of Holdfast Bay as a basis for providing comments back to Planning SA.

C230506/131 Councillor Deakin moved and Councillor Bouchée seconded:

1. **That Council notes that the draft Metropolitan Adelaide Industrial Land Strategy – March 2006 was released by the Minister for Urban Development and Planning, the Hon of Environment and Conservation, Paul Holloway MLC, on 21 March 2006 and that the consultation process will close on 2 June 2006.**
2. **That the draft response to Planning SA on the draft Metropolitan Adelaide Industrial Land Strategy – March 2006 located at Attachment 2 to report No: 237/06 be endorsed as Council's submission on the Strategy.**

CARRIED

17. URGENT BUSINESS

17.1 State Strategic Plan

C230506/132 Councillor Deakin moved and Councillor Bouchée seconded that Council advise the Local Government Association and relevant Government Departments of Council's concern about the late notice of the consultation opportunities on the State Strategic Plan Review.

CARRIED

18. ITEMS IN CONFIDENCE

Item 18.5 [Confidential Briefing on ETSA Utilities Project – Mr Owens & Ms Kennedy – Verbal Presentation] brought forward to be discussed at this point in time.

18.5 CONFIDENTIAL BRIEFING ON ETSA UTILITIES PROJECT – MR OWENS & MS KENNEDY – VERBAL PRESENTATION

C230506/133 Councillor Lush moved and Councillor Dixon seconded that, pursuant to Section 90(2) and 90(3)(d) of the Local Government Act 1999 the Council order that the public with the exception of Council officers and any other visitors permitted to remain, be excluded from attendance at the meeting, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- 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.

CARRIED

Councillor Bouchée returned to the meeting at 9:36pm

Confidential Briefing on ETSA Utilities Project – Mr Owens & Ms Kennedy – Verbal Presentation

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C230506/134 Councillor Lush moved and Councillor Donaldson seconded that pursuant to Section 90(2), 90(3)(d) and 91(7) of the Local Government Act 1999:

1. The Council orders that the minutes relating to the verbal presentation with the exception of Resolution No: C230506/133 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information 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
 under Section 90(2) and 90(3)(d) of the Act.
2. This resolution will be reviewed on or before 31 December 2006 by the Council.

CARRIED

Councillor Bouchée left the meeting at 9:32pm

18.1 WASTE MANAGEMENT – COLLECTION SERVICE CONTRACT (REPORT NO: 243/06)

C230506/135 Councillor Swiderczuk moved and Councillor Deakin seconded that, pursuant to Section 90(2) and 90(3)(d) of the Local Government Act 1999 the Council order that the public with the exception of Council officers and any other visitors permitted to remain, be excluded from attendance at the meeting, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- commercial information of a confidential nature (not being a trade secret) the disclosure of which:
 - (iii) 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
 - (iv) would, on balance, be contrary to the public interest.

CARRIED

Councillor Macaskill left the meeting at 9:50pm

Waste Management – Collection Service Contract (Report No: 243/06)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C230506/137 Councillor Dixon moved and Councillor Lush seconded that pursuant to Section 90(2), 90(3)(d) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 243/06 with the exception of Resolution No: C230506/135 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
 - (ii) 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
 under Section 90(2) and 90(3)(d) of the Act.
2. This resolution will be reviewed on or before 31 December 2006 by the Council.

CARRIED

Councillor Macaskill returned to the meeting at 9:52pm

**18.2 HOLDFAST SHORES STAGE 2B – DAMAGE TO GLENELG TOWN HALL
(REPORT NO: 238/06)**

C230506/138 Councillor Deakin moved and Councillor Macaskill seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Holdfast Shores Stage 2B – Damage to Glenelg Town Hall (Report No: 238/06)

Councillor Swiderczuk left the meeting at 10:01pm

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C230506/140 Councillor Lush moved and Councillor Donaldson seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 238/06 with the exception of Resolution No: C230506/138 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest

under Section 90(2) and 90(3)(b) of the Act
2. This resolution will be reviewed on or before 31 December 2006 by the Council.

CARRIED

Councillor Swiderczuk returned to the meeting at 10:05pm

EXTENSION OF TIME

Councillor Dixon moved and Councillor Macaskill seconded that the Standing Orders be suspended until 10:20pm to allow all business within the agenda papers to be completed.

CARRIED

18.3 GLENELG VISITOR INFORMATION CENTRE – LEASE EXTENSION AND REQUEST FOR SUB-LEASE (REPORT NO: 242/06)

C230506/141 Councillor Macaskill moved and Councillor Tilley seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Glenelg Visitor Information Centre – Lease Extension and Request for Sub-Lease (Report No: 242/06)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C230506/143 Councillor Swiderczuk moved and Councillor Macaskill seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 242/06 with the exception of Resolution No: C230506/141 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest

under Section 90(2) and 90(3)(b) of the Act
2. This resolution will be reviewed on or before 31 December 2006 by the Council.

CARRIED

18.4 BUFFALO – REQUEST FOR RENTAL ASSISTANCE (REPORT NO: 253/06)

C230506/144 Councillor Swiderczuk moved and Councillor Lush seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Buffalo – Request For Rental Assistance (Report No: 253/06)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C230506/147 Councillor Macaskill moved and Councillor Lush seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 253/06 with the exception of Resolution No: C230505/144 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest

under Section 90(2) and 90(3)(b) of the Act
2. This resolution will be reviewed on or before 31 December 2006 by the Council.

CARRIED**19. RESUMPTION**

Councillor Swiderczuk moved and Councillor Macaskill seconded that Council resume as an open meeting of Council at 10:19pm.

The Chief Executive Officer expressed his thanks to Mr Dennis Chamberlain on behalf of Council for his outstanding work as General Manager in various capacities, from November 2001 until May 2006.

20. CLOSURE

The Meeting closed at 10:20pm.

CONFIRMED

Tuesday 13 June 2006

MAYOR