

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 27 June 2006 at 7:00pm.

PRESENT

| | |
|---|-----------------|
| His Worship the Mayor | A K Rollond |
| Deputy Mayor | R D C Edwards |
| Councillors | R M Bouchée |
| | P N Crutchett |
| | J L Deakin |
| | P W Dixon |
| | J Donaldson |
| | P L Holt |
| | C J Lush |
| | P L Macaskill |
| | A C Norton |
| | D J Swiderczuk |
| | S K Tilley |
| Chief Executive Officer | R T Donaldson |
| General Manager Alwyndor Aged Care | D G Chamberlain |
| General Manager Environment and Engineering | C A Sheffield |
| Acting General Manager Strategy and Development | R Thomas |
| Acting Executive Manager Finance and Corporate | C Bates |
| Risk and Property Officer | S Watson |

1. OPENING

His Worship the Mayor, declared the meeting open with prayer at 7:00pm.

2. PRESENTATION Nil

3. APOLOGIES

3.1 For Absence Nil

3.2 Leave of Absence Nil

4. CONFIRMATION OF MINUTES

Councillor Swiderczuk moved and Councillor Tilley seconded that the minutes of the Ordinary Meeting of Council held on Tuesday 13 June 2006 be taken as read and confirmed.

CARRIED

5. MAYORAL REPORT

From 13 May 2006 to 16 June 2006.

Councillor Macaskill moved and Councillor Lush seconded that the report be received and noted.

CARRIED

6. QUESTIONS BY MEMBERS

6.1 Without Notice

Councillor Bouchée asked a question about the source of an unsigned notice received by Elected Members.

The Chief Executive Officer provided a response.

Councillor Bouchée asked a question about the practice of Elected Members contacting signatories to a petition.

The Chief Executive Officer provided a response.

Councillor Tilley asked about the scheduled re-painting of the Glenelg Community Centre.

The Chief Executive Officer took the question on notice.

Councillor Lush asked the following questions:

1. If Council issues a ground lease to another party to build and operate the Broadway Kiosk, who will own the land?

His Worship the Mayor and the Chief Executive Officer advised that the Council would own the land.

Councillor Lush moved and Councillor Deakin seconded that the question and answer be recorded in the minutes.

CARRIED

2. If Council issues a ground lease to another party to build and operate the Broadway kiosk, who will own the building?

His Worship the Mayor and the Chief Executive Officer advised that the Council would own the building.

Councillor Lush moved and Councillor Norton seconded that the question and answer be recorded in the minutes.

CARRIED

3. If Council issues a ground lease to another party to build and operate the Broadway kiosk, will the lessee be able to sublet the operation?

His Worship the Mayor and the Chief Executive Officer advised that subletting would be governed by Clause 2.5.3 of the Draft Lease Agreement. The lessee could only sublet the premises with Council's consent.

Councillor Lush moved and Councillor Norton seconded that the question and answer be recorded in the minutes.

CARRIED

4. If Council builds the kiosk and leases the building to another party to operate, will the lessee be able to sublet the operation?

His Worship the Mayor and the Chief Executive Officer advised that subletting of a Council-built building could only occur with the Council's consent.

Councillor Lush moved and Councillor Deakin seconded that the question and answer be recorded in the minutes.

CARRIED

5. Is it correct under the Landlord and Tenant Act, a landlord cannot unreasonably withhold his consent to sub-letting leased premises?

The Chief Executive Officer advised that Council could not unreasonably withhold consent to subletting.

Councillor Lush moved and Councillor Deakin seconded that the question and answer be recorded in the minutes.

CARRIED

6. If Council issues a ground lease to another party to build and operate the Broadway kiosk, will Council be able to control whether a liquor licence can be granted? If so, how?

The Chief Executive Officer advised that the use to which the premises can be put is set out in the draft lease agreement in item 9 of the Schedule. Any use outside of the "permitted" use is in breach of the lease, and in addition to these property owner/landlord powers, Council would also have the opportunity to provide comment to the Liquor Licensing Commissioner if a request for a liquor licence was lodged.

Councillor Lush moved and Councillor Macaskill seconded that the question and answer be recorded in the minutes.

CARRIED

7. If Council builds the kiosk and leases the building to another party to operate, will Council be able to control whether a liquor licence can be granted? If so, how?

The Chief Executive Officer advised that the answer to this question is the same as for Question Number 6.

Councillor Lush moved and Councillor Norton seconded that the question and answer be recorded in the minutes.

CARRIED

Councillor Tilley asked for clarification regarding the sub leasing.

The Chief Executive Officer provided a response.

Councillor Tilley asked a question in relation to the Liquor Licensing procedure and controls.

The Chief Executive Officer provided a response.

Councillor Tilley asked a question about the rental returns on the Broadway kiosk site.

His Worship the Mayor provided a response.

Councillor Tilley asked whether, because of the cost of the proposed development, it would be possible that the developer in the future could put a request to Council for a liquor licence.

The Chief Executive Officer advised that in the future the developer could put a request to Council for a liquor licence, for Council's consideration.

Councillor Tilley moved and Councillor Bouch e seconded that the question and answer be recorded in the minutes.

CARRIED

Councillor Lush asked a question about future assignment of the lease.

The Chief Executive Officer and the Risk and Property Officer provided a response.

6.2 With Notice Nil

7. REPORTS BY DELEGATES OR REPRESENTATIVES Nil

8. PETITIONS AND DEPUTATIONS

8.1 Redevelopment of the Broadway Kiosk

A petition had been received from Mr J Messenger, on behalf of himself and two thousand two hundred and twenty three other citizens (2,223) of South Australia, regarding the redevelopment of the Broadway Kiosk.

Our petition is:

We plead with the Holdfast Bay City Council not to hand over the Broadway Kiosk site to a developer to own and run for 21 years. Instead we insist the Council builds the Kiosk itself and finds a suitable tenant to run the business."

His Worship the Mayor advised Council that he had received a request that Council hear a deputation from Mr J Messenger in relation to the Petition referred to in Item 8.1, and that he had agreed to this request.

Mr Messenger addressed the Council for five minutes and answered Elected Members' questions.

His Worship the Mayor presented the Chief Executive Officer with further petition signatories.

C270606/169 Councillor Holt moved and Councillor Deakin seconded that the petition be received by Council.

CARRIED

8.2 Request for Deputation before Council re Multiple Dwellings - 12 Jervois Street, Glenelg North (110/80/06), 23 Sturt Street Glenelg North (110/81/06) & 7 Highett Avenue Brighton (110/82/06)

George Manos, from Manos & Associates Lawyers, had written to Council (on behalf of Mr Luu and Ms Cao) requesting to be heard as a deputation to the Council pursuant to the Local Government Act to make a brief presentation (suggested by them as 5 – 10 minutes) to the Council regarding the subject sites and various Court processes that have been underway regarding the above Development Applications.

His Worship the Mayor sought the direction of Council on whether to allow the deputation to be heard.

C270606/170 Councillor Deakin moved and Councillor Lush seconded that Council hear a deputation from Mr George Manos of Manos and Associates.

CARRIED

Mr Manos addressed the Council for five minutes and answered Elected Members' questions.

His Worship the Mayor advised Members that he would now move to Item 13 in the Council Agenda papers.

13. DEVELOPMENT ASSESSMENT PANEL

C270606/171 Councillor Deakin moved and Councillor Norton seconded that the minutes of the Development Assessment Panel meeting held on Wednesday 14 June 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 14 June 2006 and had made certain recommendations to Council in relation to the following DAP Items.

Item 7.3 APPEAL – 26 ARTHUR STREET, SEACLIFF PARK (Report No: 296/06)

Following the lodgement of an appeal against the Panel's refusal to vary a condition relating to screening on balconies to avoid over viewing and consequent loss of privacy, a Compulsory Conference was held including a visit to the subject land. The on-site Conference was to consider two types of screening devices proposed by the appellant. Neither was deemed suitable by the Council Planning Officer who proposed an alternative solution in an attempt to settle the matter. The parties agreed to the alternative. The Court is waiting for the matter to be progressed through the Panel before it returns to the Compulsory Conference. Accordingly the matter is before the Panel for its determination before it is reconsidered by the Court.

The Development Assessment Panel recommends to Council that the Environment, Resources and Development Court be advised that Council supports the amended proposal to vary Development Application 11/00764/05 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 plans submitted to and approved by Council 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 premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.**
- 4. That the applicants or other persons, for the time being, making use of the development now approved, shall cultivate, tend and nurture the trees, shrubs and lawns intended to be established upon the subject land, replacing from time to time, any trees, shrubs or lawns which shall die or become diseased with others of the same respective varieties or of such varieties as the Council shall approve in writing.**
- 5. That the landscaping shall comprise semi mature trees and shrubs. The trees shall have a minimum height of 1500mm and the shrubs a minimum height and breadth of 600mm when planted. The proposed landscaping shall be planted prior to occupation and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.**

6. That all plants shall be watered through the installation of an underground drip feed irrigation system.
7. Any change in levels along external site boundaries of 200mm or more shall be retained to suitable engineering standards and any fencing shall be erected on top of such retaining walls. Construction of all retaining walls shall be undertaken and completed prior to the commencement of construction of the dwelling(s) herein approved.
8. That any front fencing shall either be a low front fence, or if higher than 1.2 metres, a grill type fence be provided along the front property boundary other than for driveway. Where the subject land is located on a corner allotment, fencing shall not exceed one metre in height within six (6) metres of the intersection of two boundaries of land where those boundaries both face a road.
9. That the provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.
10. All new residential dwellings shall comply with Council's Policy on stormwater retention.
11. 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.
12. That dust emissions from the site shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of Council.
13. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builders waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
14. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
15. That no solid or liquid trade wastes be discharged to the stormwater system.
16. That upstairs windows on the western and eastern elevations of Dwelling 1 shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be manufactured obscure glass (chosen from the list of glass types in the relevant Council policy or equivalent to one of those glass types), fixed shut other than by a wind out mechanism (to no greater than 200mm) and hinged at the top of the window panel, or as otherwise approved by Council. Further details of this requirement shall be provided at Building Rules Assessment stage.
17. That upstairs windows on the northern, western and eastern elevations of Dwelling 2 shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be manufactured obscure glass (chosen from the list of glass types in the relevant Council policy or equivalent to one of those glass types), fixed shut other than by a wind out mechanism (to no greater than 200mm) and hinged at the top of the window panel, or as otherwise approved by Council. Further details of this requirement shall be provided at Building Rules Assessment stage.
18. That screening to the west and north openings of the northern balconies to Dwellings 1 and 2 shall comprise four horizontal blades of obscure glass

each 170mm wide and spaced vertically 150mm and fixed in a frame above the 1000mm high balustrade with the top most horizontal blade being 1600mm above the balcony floor level.

19. That such screening as described in Condition 19 shall be erected prior to occupation of the dwellings and shall remain in place at all times thereafter for the life of development.

Item 7.4 12 JERVOIS STREET, GLENELG NORTH, 23 STURT STREET, GLENELG NORTH, 7 HIGHET AVENUE, BRIGHTON (Report No: 297/06)

Following the lodgement of an appeal against the Panel's refusal of three separate development applications proposing the use of three dwellings as multiple dwellings and the conversion of outbuildings at two of the properties as habitable rooms, the Applicant has submitted a compromise proposal for the Panel's consideration. Accordingly the matter is before the Panel for its determination before it is reconsidered by the Court.

The Development Assessment Panel recommends to Council that the Environment Resources and Development Court be advised that Council does not support the compromise proposal submitted for applications 110/80/06 (12 Jervois Street Glenelg North), 110/81/06 (23 Sturt Street, Glenelg North) and 110/82/06 (7 Highet Avenue, Brighton), each for a lodging house accommodating five (5) occupants living independently of one another, for reasons that the proposals do not meet the intent of the Development Plan in relation to:

- **The type of residential use proposed on the land;**
- **The enhancement and protection of safe, pleasant, convenient residential zones;**
- **Detrimental impact on the amenity of the locality;**
- **A residential density and standard of accommodation which is sufficiently compatible with the locality;**
- **A residential accommodation arrangement which facilitates proper care and maintenance of a property; and**
- **Provision of on-site car parking**

Item 7.5 APPEAL – 3 BINDARRA ROAD, BRIGHTON

Following the lodgement of an appeal against the Panel's refusal of an application to construct two attached dwellings at 3 Bindarra Road, Brighton, an Environment, Resource and Development (ERD) Court Compulsory Conference has been held at which the applicant presented an amended proposal in an attempt to overcome a number of the DAP reasons for refusal. Accordingly the matter is before the Panel for its determination before it is reconsidered by the Court.

The Development Assessment Panel recommends to Council that the Environment, Resources and Development Court be advised that Council does not support the amended proposal to vary Development Application 11/00535/05 as it is contrary to Council Wide Objectives 14, 83(a) and Principles 2, 13, 30(e), 49, 58(f), 189, 191, 192(a) and 200(a); and Residential Objective 2 and Principles 2, 10, 12, 13, 17 and 21 of the City of Holdfast Bay Development Plan. More specifically, the application does not meet the intent of the Development Plan in relation to:

- A desired built form consistent with the Objectives and Principles of Development Control applicable to the Residential A zone particularly in relation to massing, bulk and scale.
- The visual prominence of the articulated front and the resultant effect on the streetscape, character and amenity.
- The site frontage per dwelling as required.
- The side boundary setbacks at first floor level, and the setback from the rear boundary to the garages, as required.
- The preservation and retention of the mature tree in the north-east corner of the site as required

C270606/172 Councillor Deakin moved and Councillor Norton seconded that the recommendations of the Development Assessment Panel meeting held on Wednesday 14 June 2006, in relation to Item Nos: 7.3 and 7.5, be adopted.

CARRIED

C270606/173 Councillor Deakin moved and Councillor Bouch e seconded that consideration of the Development Assessment Panel recommendation of 14 June 2006, in relation to Development Assessment Panel Item 7.4, be adjourned to the next meeting of Council so that all representors can be contacted and invited to speak before Council, and all of the information provided to the Development Assessment Panel can be made available to Members.

CARRIED

9. NOTICES OF MOTION

9.1 Council use of Heritage Tram

In accordance with his notice

Councillor Crutchett moved and Councillor Bouch e seconded that Administration contact the Minister of Education and Schools (Private & Public) in the City of Holdfast Bay for the purpose of establishing whether there is any interest in working in partnership with the Council to use the heritage tram given to Council by the state government as a historical interpretive class room for students.

A division was called.

Voted For
Councillor Crutchett
Councillor Tilley
Councillor Bouch e

Voted Against
Councillor Dixon
Councillor Norton
Councillor Macaskill
Councillor Swiderczuk
Councillor Deakin
Councillor Donaldson
Councillor Lush
Councillor Holt
Councillor Edwards

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

Councillor Norton left the meeting at 8:10pm, and rejoined the meeting at 8:12pm.

9.2 Rescission Motion and Notice of Motion

Councillor Lush asked whether Council had sought expressions of interest for a tenant to occupy a Council-built kiosk on an "operate only" basis.

The Chief Executive Officer confirmed that a dual Registrations of Interest process for both "ground Lease" and "rent from Council" approaches had been conducted.

Councillor Holt moved and Councillor Lush seconded that the question and answer be recorded in the minutes.

CARRIED

In accordance with her notice

Councillor Bouch e moved and Councillor Tilley seconded that Council rescind the following motions

C120405/111 Councillor Lush and Councillor Donaldson seconded

1. ***That the pre-tender interview process be conducted to identify the most appropriate applicant for a construct and operate lease for the Broadway Kiosk redevelopment, based on the list of suitable registrants identified by Council's Consultant and set out in report number 176/05.***
2. ***That the inclusion of a budget variation to the Broadway Kiosk Re-build/Design work Account Number 5-0855-1 for \$36,806, to be brought to account as part of Budget Review No 3 as at 30 April 2005.***
3. ***That Administration provides a further report to advise the outcome of the pre-tender process.***

and

C280306/075 Councillor Macaskill moved and Councillor Swiderczuk seconded that Council re open a fresh tender process for the ground lease of the Broadway Kiosk, including an allowance for tenderers to propose alternative scopes of works(at the tenderers cost) for Council's consideration

A division was called.

Voted For
Councillor Crutchett
Councillor Tilley
Councillor Bouch e

Voted Against
Councillor Dixon
Councillor Norton
Councillor Macaskill
Councillor Swiderczuk
Councillor Deakin
Councillor Donaldson
Councillor Lush
Councillor Holt
Councillor Edwards

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

**10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(8:48 PM)**

Councillor Tilley left the meeting at 8:48pm.

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

CARRIED

Councillor Tilley returned to the meeting during the adjournment for Committee Meetings.

11. RESUMPTION

Councillor Crutchett moved and Councillor Swiderczuk seconded that Council resume at 10:46 pm.

CARRIED

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION

12.1 Economic and Corporate Committee

The 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 Holt seconded that the report of the Economic and Corporate Committee, the agenda papers and approved recommendations, together with the additional recommendations from the meeting be adopted.

CARRIED

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 Norton 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 with the exception of Item 8.3.

CARRIED

The Chief Executive Officer advised that he had declared a conflict of interest in the project that was the subject of Environment and Engineering Committee Agenda Item 8.3, and left the meeting at 10:46pm.

Councillor Lush declared a conflict of interest in Item 8.3 of the Economic and Engineering Committee Agenda Papers due to her husbands' ownership of a property that may be affected by the consideration of eastern footpath layout changes. and left the meeting at 10:46pm.

Councillor Dixon moved and Councillor Norton seconded that the recommendations in relation to Item 8.3 from the Environment and Engineering Committee Agenda Papers be adopted.

CARRIED

Councillor Lush and the Chief Executive Officer returned to the meeting at 10:47pm.

14. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES Nil**15. REPORTS OF REGIONAL SUBSIDIARIES Nil****16. REPORTS BY OFFICERS****16.1 Items in Brief (Report No: 315/06)**

Report No: 315/06 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C270606/174 Councillor Norton moved and Councillor Macaskill seconded that the report be noted and items of interest be discussed.

CARRIED

Councillor Dixon left the meeting at 10:48 pm.

16.2 Annual Endorsement of Council Delegations (Report No: 316/06)

A copy of the draft updated Delegations Register was circulated to Elected Members on 13 June 2006 for consideration, with the inclusion of two new delegations that were adopted at the Council meeting on 23 May 2006.

This report seeks Council's endorsement of the Delegations Register for a further twelve months.

C270606/175 Councillor Holt moved and Councillor Donaldson seconded that Council endorses the updated Delegations Register as circulated to all Elected Members on 13 June 2006.

CARRIED

16.3 Holdfast Shores Stage 2B Variation to Retail Tenancy Number 1 (Report No: 307/06)

Council has received correspondence from Planning SA advising of an application for variations to a ground level retail tenancy proposed to front Moseley Square as part of the Holdfast Shores Stage 2B development. Planning SA, on behalf of the Development Assessment Commission, is seeking Council's comments regarding the proposal prior to making a decision on the application.

C270606/176 Councillor Edwards moved and Councillor Macaskill seconded that Council advises the Development Assessment Commission (C/- Planning SA) that it has reviewed the proposed variations to retail tenancy T01 of the Holdfast Shores Stage 2B Development dated 30 May 2006, comprising modifications and internal fit-outs of the tenancy and provides the following comments:

- 1. The proposed bi-fold doors and windows on the southern elevation of the retail tenancy are secured completely within the confines of the tenancy and do not encroach onto the Council footpath/Moseley Square when operated.**
- 2. The applicant be advised that a separate Development Application is required to be lodged for any external signage proposed on the building.**
- 3. The applicant be advised that a separate application for an Outdoor Dining Permit is required to be lodged with Council for any proposed Outdoor**

Dining areas on Council land and that this will be assessed by Council in accordance with its adopted Moseley Square Outdoor Dining Guidelines.

- 4. The applicant be advised that any formal application for, or modification to, the internal fit-out of the tenancy should be submitted to Council's Environmental Health Unit for assessment against the Food Act 2001 and Public and Environmental Health Act 1987.**
- 5. The applicant be advised that any future application for an Encroachment Permit for structures and alike that encroach over Moseley Square be submitted to Council. The annual fee will be based on a valuation having regard to the size and use of the encroachment.**

A division was called.

Voted For
 Councillor Norton
 Councillor Macaskill
 Councillor Deakin
 Councillor Donaldson
 Councillor Swiderczuk
 Councillor Lush
 Councillor Holt
 Councillor Edwards
 Councillor Crutchett
 Councillor Tilley

Voted Against
 Councillor Bouch e

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

16.4 Western Region Waste Management Authority – Meeting Schedule (Report No: 308/06)

The Western Region Waste Management Authority has proposed that the member councils direct the Authority to hold Board meetings at least four times per year, recognising that the activities of the Authority are now focussed solely on the site remediation works, rather than landfill operations.

Councillor Edwards left the meeting at 10:49pm.

Councillor Dixon rejoined the meeting at 10:50pm.

Councillor Edwards rejoined the meeting at 10:52pm.

C270606/177 Councillor Bouch e moved and Councillor Holt seconded that the City of Holdfast Bay (pursuant to clause 26 of Schedule 2 to the Local Government Act 1999 and clause 5.6 of the Charter of the Western Region Waste Management Authority) jointly directs (with the Cities of West Torrens, Charles Sturt and Port Adelaide Enfield) that the Board of the Authority hold one ordinary meeting in every three calendar months rather than one in every two calendar months as currently provided at clause 2.5.2 of the Charter.

CARRIED

16.5 Platinum Apartments Land Division Application (Report No: 317/06)

C270606/178 Councillor Macaskill and Councillor Lush seconded that the late addendum to Item 16.5 be received.

CARRIED

Further to Council's previous consideration of the Primary Community Title land division application for the Platinum Apartments, Holdfast Shores development in 2005, amendments to this division have been received together with the final Scheme

Description, associated Community By-laws and Development Contract. Council endorsement is required for the Primary Community Title division and the Scheme Description. The purpose of this report is to seek Council's endorsement of the Primary Community Title division and the Scheme Description, and associated comments in response to Planning SA.

- C270606/179 Councillor Bouchée moved and Councillor Crutchett seconded that consideration of the item be adjourned to the Council meeting to be held on 11 July 2006 to allow Elected Members to read all of the material.**

CARRIED

16.6 Alwyndor Aged Care – Board of Management (Report No: 331/06)

- C270606/180 Councillor Macaskill moved and Councillor Lush seconded that the late report Item 16.6 be received.**

CARRIED

The General Manager Alwyndor Aged Care, Mr D G Chamberlain, has advised that the Alwyndor Board of Management has completed the annual Board Member Selection process. As a result, the Board now recommends that Council appoints Ms Carlien Coultate, Ms Julie Cunningham, Ms Claire Cotton and Mr Greg Sincock to the Board for the 2 year term due to expire on 30 June 2008. The Board also recommends Council appoints Mr James Blieschke and Mr Toby Terlet to the Board for an initial 1 year term due to expire on 30 June 2007.

- C270606/181 Councillor Macaskill moved and Councillor Lush seconded:**

- 1. That Ms Carlien Coultate, Ms Julie Cunningham, Ms Claire Cotton and Mr Greg Sincock be appointed to the Alwyndor Board of Management for the two year term to expire on 30 June 2008.**
- 2. That Mr James Blieschke and Mr Toby Terlet be appointed to the Alwyndor Board of Management for the one year term to expire on 30 June 2007.**

CARRIED

17. URGENT BUSINESS

17.1 Councillor Deakin Item In Brief on Historic Tram of Glenelg

- C270606/182 Councillor Deakin moved and Councillor Macaskill seconded that Administration convene a meeting of interested Councillors and relevant staff to further progress the Historic Tram Project.**

CARRIED

17.2 New Year's Eve – Meeting with Premier

The Chief Executive Officer provided a verbal update on Council's meeting request to Premier Rann regarding New Year's Eve Funding advising that a response was yet to be received.

18. ITEMS IN CONFIDENCE

18.1 BROADWAY KIOSK TENDER – ROUND TWO (REPORT NO: 329/06)

Note: Resolutions for extension of meeting time recorded in the confidential portion of the minutes.

- C270606/183 Councillor Lush moved and Councillor Donaldson 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

Broadway Kiosk Tender – Round Two (Report No: 329/06)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C270606/186 Councillor Lush moved and Councillor Holt 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: 329/06 with the exception of Resolution Nos: C270606/184 and C270606/185. 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 interestunder 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

18.2 WASTE MANAGEMENT – COLLECTION SERVICE (REPORT NO: 330/06)

C270606/187 Councillor Lush moved and Councillor Donaldson 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

Waste Management – Collection Service (Report No: 330/06)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C270606/189 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 documents and minutes relating to Report No: 330/06 with the exception of Resolution No: C270606/188 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

19. RESUMPTION

Councillor Holt moved and Councillor Lush seconded that Council resume as an open meeting of Council at 11:35pm.

CARRIED

20. CLOSURE

The Meeting closed at 11:35pm.

CONFIRMED

Tuesday 11 July 2006

MAYOR