

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 February 2007 at 7:00pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillors	R D Beh
	R M Bouchée
	P N Crutchett
	J L Deakin
	L R Fisk
	P D H Heysen
	J D Huckstepp
	S C Lonie - 7:25pm.
	T D Looker
	A C Norton
	L van Camp
Chief Executive Officer	R T Donaldson
General Manager Environment and Engineering	C A Sheffield
General Manager Social and Organisation	C E Umapathysivam
Acting General Manager Strategy and Development	R A Thomas
Executive Manager Finance and Corporate	I S Walker

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and acknowledgement of Kaurna Traditional Owners at 7:00pm.

2. APOLOGIES

2.1 For Absence	Nil
2.2 Leave of Absence	Nil

3. PRESENTATION Nil

4. CONFIRMATION OF MINUTES

Councillor Deakin moved and Councillor Bouchée seconded that the minutes of the Ordinary Meeting of Council held on 13 February 2007 be taken as read and confirmed (including the amendments circulated on 19 February 2007).

CARRIED

5. MAYORAL REPORT

From 1 January 2007 to 31 January 2007.

Councillor Clancy moved and Councillor Norton seconded that the report be received and noted.

CARRIED

His Worship the Mayor informed Members that he had submitted his resignation from the Development Assessment Panel and the meeting to be held on 28 February 2007 will be his last meeting as a member of the Panel.

6. QUESTIONS BY MEMBERS**6.1 Without Notice****6.1.1 Glenelg Surf Life Saving Club Question on Notice**

Councillor Boucheé asked a question in relation to the question and answer for Item 6.2.1 Number 3 – Glenelg Surf Lifesaving Club titles. As the Glenelg Surf Life Saving Club will be on private land, and all other surf clubs are on public land, is the Glenelg Surf Life Saving Club eligible for discretionary rebate of rates in accordance with Section 166 of the Local Government Act.

His Worship the Mayor took the question on notice.

6.1.2 Restaurant/Café Umbrellas on Jetty Road Brighton

Councillor Norton asked a question about the need for the traders on Jetty Road, Brighton to replace their umbrellas bearing advertising logos with plain umbrellas to conform with Council's policy.

Councillor Norton foreshadowed his intention to move a motion relating to this matter in Urgent Business.

General Manager Environment and Engineering provided a response.

6.1.3 Advertising on Outdoor Furniture

Councillor Boucheé asked whether a departure from Council's policy in relation to outdoor dining fixture advertising would set an unacceptable precedent.

General Manager Environment and Engineering provided a response.

6.1.4 Graffiti

Councillor Beh asked a question regarding the removal of graffiti on the Telstra Building on the corner of Jetty Road and Brighton Road, Glenelg.

Manager Technical Services provided a response.

6.1.5 Retention of Council Vehicles while on unpaid leave

Councillor Fisk asked a question regarding the retention of Council vehicles by staff while on unpaid leave.

The Chief Executive Officer provided a response.

6.2 With Notice**6.2.1 Glenelg Surf Life Saving Club (GSLSC)**

Councillor Fisk asked the following questions:

With reference to the Glenelg Surf Life Saving Club;

1. Is the GSLSC the freehold title owner of the clubroom site, the 4 car parks outside Platinum and the 7 car parks in Hope Street?
2. Are these 3 areas being rated in the same way as all other freehold land within Holdfast Bay? If not why not?
3. Is the GSLSC being granted rate reductions for the club rooms and car park sites?

Acting General Manager Strategy and Development response.

1. **The allotment occupied by the GSLSC and the subsidiary lots (ie. the 2 car parking areas referred to in the question above) are currently in the process of being transferred to the Club's ownership from Glenent (HS2B Joint Venture company). Council staff were advised on the 20 February 2007 that the transfer documentation was lodged with the Lands Titles Office last week and that the ownership transfer should be authorised in the next week or so.**

Therefore at the time of drafting this response, Glenent is still the owner of the said titles. Council Members may also be interested to note that there is also a 'Deed of Trust' between Council and the GSLSC to ensure that the premises is retained for use as a Surf Life Saving Club and not altered to another use in the future.

Executive Manager Finance and Corporate response.

2. **Please refer to Question/Answer 3.**

Executive Manager Finance and Corporate response.

3. **The Glenelg Surf Life Saving Club, in 2006/2007, received a 100% discretionary rebate pursuant to S166 of the Local Government Act 1999 (as do all the other Surf Clubs in Holdfast Bay).**

7. REPORTS BY DELEGATES OR REPRESENTATIVES Nil**8. PETITIONS AND DEPUTATIONS****8.1 Bay City Roller Loop Bus – 26 Broadway, Glenelg South.**

A petition has been received from residents of 26 Broadway, Glenelg, signed by 7 residents regarding support for the Bay City Roller Bus service.

The petition states as follows:

“As residents of 26 Broadway the undersigned wish, very much, to keep the service of the Bay City Roller Bus going.”

C270207/051 Councillor Boucheé moved and Councillor Crutchett seconded:

1. That the petition be received by Council.
2. That the issues relating to the petition be considered as comments for Council's consideration in evaluating the Bay City Roller Loop Bus service prior to conclusion of the trial period in 30 April 2007.
3. That Vera McGregor as the head petitioner be advised of Council's decision.

CARRIED

8.2 Bay City Roller Loop Bus – 2 Farrell Street, Glenelg South.

A petition has been received from residents of 2 Farrell Street, Glenelg, signed by 17 residents regarding support for the Bay City Roller Bus service.

The petition states as follows:

"The residents of 2 Farrell Street the undersigned wish very much to keep the service of the Bay City Roller Bus."

C270207/052 Councillor Boucheé moved and Councillor Crutchett seconded

1. That the petitions be received by Council.
2. That the issues relating to the petition be considered as comments for Council's consideration in evaluating the Bay City Roller Loop Bus service prior to conclusion of the trial period in 30 April 2007.
3. That Theresa Thornton as head petitioner be advised of Council's decision.

CARRIED

9. NOTICES OF MOTION

Councillor Beh left the meeting at 7:18pm.

Councillor Beh rejoined the meeting at 7:19pm.

9.1 Short Term Car Parking for Glenelg Library

Councillor Lonie joined the meeting at 7:25pm.

In accordance with his notice

Councillor Fisk moved and Councillor Deakin seconded that Council negotiate with the Glenelg Surf Life Saving Club for use of the 7 car parks in Hope Street by residents for free short term car parking, in exchange for reduced Council rates on these 7 parking spaces (and possible exchange of use of up to 4 of Council's underground car parking spaces), and that Administration report to Council on the outcome of these negotiations before 2007/2008 budget deliberations commence.

LOST

Background

Glenelg residents have very limited free short term car parks to enable visits to the library.

9.2 Development Act 1993

In accordance with his notice,

- C270207/053** Councillor Fisk moved and Councillor Boucheé seconded that Administration report to Council on which sections of the Development Act 1993 or any other act preclude development approvals being subject to a standard condition of approval stating that - "approval is granted on the condition that any damage to adjoining properties caused as a result of excavation work and/or pile driving work and/or general building activity must be appropriately repaired prior to occupation certificates etc being granted" - and what steps it would be appropriate for Council to take in relation to the possible inclusion of condition/s of this nature on Development Approvals issued by staff, the DAP and the ERD Court.

CARRIED

9.3 Management Strategies for Licensed premises

In accordance with her notice,

- C270207/054** Councillor Boucheé moved and Councillor Looker seconded that Administration investigate and report on the possible management strategies that can be implemented in regard to the Liquor Licensed premises in the City of Holdfast Bay as it relates/impacts on the residential and community amenity, to include:
- the feasibility of including the whole of the City as a "Dry Zone" as has been done in the City of Adelaide.
 - the feasibility of including some more areas, if the first option is impractical
 - the opportunity as related to the Act to assist/join with Residents to approach/pressure/lobby the Government/Liquor Licensing Commission
 - an integrated file of all licenses/identification of site locations of all licensed premises which would track the possible movements of groups as they move to the next open venue.
 - identification of possible hot spots or future areas/sites which may want hour extensions.
 - Enforcement.

CARRIED

9.4 Clarifications to Report No: 40/07

In accordance with his notice.

C270207/055 Councillor Beh moved and Councillor Boucheé seconded that the Audit Committee consider Report No: 40/07 with a view to clarifying:

- 1. The negatives and benefits of reporting on four loan borrowing requests of Council within one single report;**
- 2. Whether current expenses incurred for each project relating to each loan be included in future reports of Council;**
- 3. Whether the Council's forward borrowing program should cease;**
- 4. If the impact of any increase or decrease in Council debt be examined in loan borrowing reports;**
- 5. Whether the practice of applying loan funds to general revenue is appropriate;**

- 6. What are the options Council has in dealing with the "lumpy" payments principle;**
- 7. Whether the recurrent capital works loan borrowing is always appropriate; and**
- 8. What options Council can consider when discovering a surplus in borrowings.**

Executive Manager Finance and Corporate comment

The role of Council's Audit Committee is governed by its Terms of Reference, adopted by Council at its meeting on 24 October 2006. Clause 6.1 of the Terms of Reference provides an over-arching definition of its role as follows:

"The Audit Committee has no authority to act independently of Council. The primary role of the Audit Committee is to provide suggestions and recommendations to Council about actions in relation to financial governance."

The Terms of Reference expressly define the role of the Audit Committee in relation to seven key areas:

1. Financial reporting
2. Strategic management plans and annual business plan
3. Internal controls and risk management systems
4. Whistle blowing
5. Internal audit
6. External audit
7. Economy and efficiency audits

Of these, only the second key area has any application to Cr Beh's motion, specifically clause 6.3.2 which states that the Audit Committee shall:

"Review and provide recommendations to Council on the sustainability of Council's financial performance and proposals with respect to debt levels included in the strategic management plans and, in particular, the long-term financial plan."

The Audit Committee has an essential responsibility in respect of Council's financial governance, to review and advise in the form of suggestions and recommendations. Specifically, it has an important role in reviewing debt levels and policies, but in the context of Council's Strategic Management Plans (which include the Long Term Financial Plan).

The issues contained in this notice of motion are valid and appropriate for Council to consider however, in their present form, it would require the Audit Committee to consider specific questions outside the context of Council's Long Term Financial Plan. In practice the Audit Committee would need to call for a report from Administration for it to consider and then advise or make recommendations to Council.

Administration recommends that a more effective approach would be for Council to:

1. instruct Administration to provide a report on Council's borrowing program in the context of the Long Term Financial Plan to the Audit Committee; and
2. instruct the Audit Committee, as part of its review of the Long Term Financial Plan, to specifically advise to Council on the questions raised in the notice of motion.

AMENDMENT

Councillor Heysen moved and Councillor Fisk seconded;

1. **That Council instruct Administration to provide a report on Council's borrowing program in the context of the Long Term Financial Plan to the Audit Committee; and**
2. **That Council instruct the Audit Committee, as part of its review of the Long Term Financial Plan, and with specific reference to Report No: 40/07 to include advice to Council on the following questions;**
 1. **The negatives and benefits of reporting on four loan borrowing requests of Council within one single report;**
 2. **Whether current expenses incurred for each project relating to each loan be included in future reports of Council;**
 3. **Whether the Council's forward borrowing program should cease;**
 4. **If the impact of any increase or decrease in Council debt be examined in loan borrowing reports;**
 5. **Whether the practice of applying loan funds to general revenue is appropriate;**
 6. **What are the options Council has in dealing with the "lumpy" payments principle;**
 7. **Whether the recurrent capital works loan borrowing is always appropriate; and**
 8. **What options Council can consider when discovering a surplus in borrowings.**

**THE AMENDMENT WAS CARRIED
THE AMENDMENT THEN BECAME THE MOTION
THE MOTION WAS PUT AND CARRIED**

9.5 Liquid and relatively liquid investments

In accordance with his notice,

C270207/056 Councillor Beh moved and Councillor Fisk seconded that Council receive a report on its liquid and relatively liquid investments at the next Council meeting in which the Economic and Corporate Committee sits, and along with advice on reducing the Council's debt.

CARRIED

9.6 Post Election function for Candidates

In accordance with his notice,

- C270207/057 Councillor Looker moved and Councillor Boucheé seconded that the Administration arrange, as part of the statutory meeting following the Council election, a reception for all retiring Councillors recognising their service to the community.**

CARRIED

Background

It is important that all people participating in Council elections are acknowledged and thanked even if unsuccessful. It is also apparent that as a human institution that alliances and animosities may develop over time within an elected body and that the time of closure should be a time of celebration and reflection rather than a continuation of the political process. In that light it is best that the Council, through its neutral CEO and Administration, provide an opportunity for this to happen. It is apparent that past practices have not been free from some of the political tensions such an occasion demands a clear, neutral approach to be established.

9.7 Rescission Motion – Glenelg Oval

In accordance with his notice,

Councillor Looker moved and Councillor Deakin seconded that Council rescind the motion C130207/047 regarding the release of Confidential Report No: 379/06 and the signed agreement between the Glenelg Football Club and the Council.

- C270207/058 Councillor Clancy moved and Councillor Heysen seconded that the Rescission Motion – Glenelg Oval be adjourned and discussed under Confidential Items.**

CARRIED

**10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(8:20PM)**

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

CARRIED

11. RESUMPTION

Councillor Crutchett moved and Councillor Heysen seconded that Council resume at 10:18pm.

CARRIED

Councillor Lonie left the meeting at 10:18pm.

Councillor van Camp rejoined the meeting at 10:19pm.

Councillor Fisk left the meeting at 10:20pm.

Councillor Fisk and Councillor Lonie rejoined the meeting at 10:21pm.

Councillor Crutchett moved and Councillor Deakin seconded that the meeting continue until all of the business on the agenda is completed.

CARRIED

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

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

Councillor Beh moved and Councillor Heysen 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.

CARRIED**12.2 Environment and Engineering Committee**

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

Councillor Boucheé moved and Councillor Beh 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. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES**

Councillor Fisk left the meeting at 10:20pm.

Jetty Road Mainstreet Board Meeting held 14 February 2007.

Alwyndor Aged Care Board of Management Meeting held 11 December 2006.

C270207/059 Councillor Clancy moved and Councillor Norton seconded that the minutes of these committees be received.

CARRIED**14. REPORTS OF REGIONAL SUBSIDIARIES**

Councillor Lonie and Councillor Fisk rejoined the meeting at 10:22pm.

Western Region Waste Management Authority Meeting held 1 February 2007.

C270207/060 Councillor Boucheé moved and Councillor Huckstepp seconded that the minutes of these subsidiaries be received.

CARRIED

15. REPORTS BY OFFICERS**15.1 Items in Brief (Report No: 69/07)**

Report No: 69/07 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C270207/061 Councillor Norton moved and Councillor Lonie seconded that the report be noted and items of interest be discussed.

CARRIED

15.2 Development (Regulated Trees) Bill 2006 (Report No: 66/07)

The State Government has introduced the Development (Regulated Trees) Amendment Bill 2006 to Parliament as part of its proposed improvements to the South Australian planning system. This Bill supersedes the provisions proposed by the draft Development (Sustainable Development) Amendment Bill 2004.

Councillor Deakin declared an interest in this matter as he is an owner of a significant tree and left the meeting at 10:25pm.

C270207/062 Councillor Crutchett moved and Councillor Looker seconded:

- 1. That the draft submission located at Attachment 2 to Report No: 66/07 be forwarded to the State Government to outline Council's comments regarding the Development (Regulated Trees) Amendment Bill 2006, including the addition of a suggestion for creation of a fund to support the owners of Regulated and Significant Trees in the retention of their trees.**
- 2. That a copy of the above submission be forwarded to the Local Government Association of South Australia.**

CARRIED

Councillor Deakin rejoined the meeting at 10:29pm.

15.3 Bay City Roller Bus Suggested Extension into Glenelg North and Glenelg East (Report No: 68/07)

This report has been prepared following a Council resolution on 13 February 2007 (Resolution Number C130207/027) seeking a report from Administration on the costs and logistics involved in extending the Glenelg loop bus service into Glenelg North, Glenelg East and Somerton.

C270207/063 Councillor Clancy moved and Councillor Boucheé seconded that Council not implement any significant changes to the Bay City Roller loop bus service until full consideration of the outcomes of the service trial in April 2007.

CARRIED

15.4 Elected Member Training – Requests to attend (Report No: 86/07)

Councillor Looker and Councillor Crutchett have expressed an interest in attending the “Council and Committee Meeting Procedures and Charing Skills” training being provided by the Local Government Association on 5 July 2007.

The Local Government Association also has available a valuable program scheduled for Elected Members on “Financial Sustainability and Asset Management – Overview”.

- C270207/064 Councillor Deakin moved and Councillor Boucheé seconded that Council approves the attendance of any interested Elected Members at the “Council and Committee Meeting Procedures and Charing Skills” training to be conducted by the Local Government Association and the “Financial Sustainability and Asset Management – Overview” to be conducted by the Local Government Act.**
CARRIED

16. URGENT BUSINESS**16.1 Advertising on Outdoor Furniture**

- C270207/065 Councillor Norton moved and Councillor Looker seconded that Administration report on options regarding the enforcement of outdoor dining license terms and conditions with regard to advertising on outdoor dining infrastructure and that no further enforcement action to be taken until further notice.**
CARRIED

16.2 Leave of Absence

- C270207/066 Councillor Deakin moved and Councillor Boucheé seconded that a leave of absence be granted to Councillor Heysen from 17 March 2007 until 21 May 2007.**
CARRIED

16.3 Informal Gathering of Council

- C270207/067 Councillor Deakin moved and Councillor Crutchett seconded that the Internal Memo dated 27 February 2007 regarding Informal Meeting of Elected Members be received and recognised as fulfilment of Council’s 13 February 2007 resolution seeking a report on this matter.**
CARRIED

His Worship the Mayor left the meeting at 10:42pm.

Deputy Mayor, Councillor Clancy assumed the chair at 10:42pm.

17. ITEMS IN CONFIDENCE

The Chair moved to item 17.3 on the agenda.

17.3 HOLDFAST SHORES STAGE 2B – VOLLEYBALL LIGHTS (REPORT NO: 71/07)

Council staff remaining: Mr Donaldson, Mr Sheffield, Ms Thomas, Mrs Umapathysivam, Mr Walker, Mr S Watson and Mr Trowbridge

C270207/068 Councillor Boucheé moved and Councillor Norton 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 – Volleyball Lights (Report No: 71/07)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C270207/070 Councillor Clancy moved and Councillor Norton 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: 71/07 with the exception of Resolution No:C270207/068 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 2007 by the Council.

CARRIED

His Worship the Mayor rejoined the meeting at 10:45pm and assumed the chair.

17.1 PRESENTATION ON A MAJOR EVENT OPPORTUNITY

Council staff remaining: Mr Donaldson, Mr Sheffield, Ms Thomas, Mrs Umapathysivam, Mr Walker, Mr S Watson and Mr Trowbridge

C270207/071 Councillor Clancy moved and Councillor Heysen 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

Presentation on a Major Event Opportunity

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C270207/073 Councillor Clancy moved and Councillor Lonie 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 discussion and minutes relating to the Presentation on a Major Event Opportunity with the exception of Resolution No: 270207/071 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 2007 by the Council.**

CARRIED

17.2 POSSIBLE MAJOR EVENT (REPORT NO: 70/07)

Council staff remaining: Mr Donaldson, Mr Sheffield, Ms Thomas, Mrs Umaphysivam, Mr Walker, Mr S Watson and Mr Trowbridge

C270207/074 Councillor Clancy moved and Councillor Lonie 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

Possible Major Event (Report No: 70/07)

Councillor Clancy left the meeting at 11:50 pm.

Councillor Clancy rejoined the meeting at 11:51 pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C270207/076 Councillor Crutchett moved and Councillor Boucheé 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: 70/07 with the exception of Resolution No:270207/074 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 interestunder Section 90(2) and 90(3)(d) of the Act.
2. This resolution will be reviewed on or before 31 December 2007 by the Council.

CARRIED

17.4 BUCKLE STREET CONTAMINATED SITE– RESULTS OF REGISTRATION OF INTEREST PROCESS (REPORT NO: 85/07)

Council staff remaining: Mr Donaldson, Mr Sheffield, Ms Thomas, Mrs Umapathysivam, Mr Walker, Mr S Watson and Mr Trowbridge

Councillor Norton left the meeting at 12:08am.

Councillor Norton rejoined the meeting at 12:10am.

C270207/077 Councillor Crutchett moved and Councillor Boucheé 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

Buckle Street Contaminated Site– Results of Registration of Interest Process (Report No: 85/07)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C270207/079 Councillor Clancy moved and Councillor van Camp 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: 85/07 with the exception of Resolution No:270207/077 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 2007 by the Council.

CARRIED

17.5 ADJOURNED ITEM 9.7 - RESCISSION MOTION – GLENELG OVAL

C270207/080 Councillor Clancy moved and Councillor Looker seconded that, pursuant to Section 90(2) and 90(3)(h) 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), on the basis that it will receive, discuss or consider the following:

- legal advice.

CARRIED

Rescission Motion – Glenelg Oval

In accordance with his notice,

C270207/081 Councillor Looker moved and Councillor Deakin seconded that Council rescind the motion C130207/047 regarding the release of Confidential Report No: 379/06 and the signed agreement between the Glenelg Football Club and the Council.

A division was called.

Voted For	Voted Against
Councillor Clancy	Councillor Beh
Councillor Deakin	Councillor Boucheé
Councillor Huckstepp	Councillor Crutchett
Councillor Looker	Councillor Fisk
Councillor Lonie	Councillor Heysen
Councillor Norton	
Councillor van Camp	

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C270207/082 Councillor Clancy moved and Councillor Heysen seconded that pursuant to Section 90(2), 90(3)(h) and 91(7) of the Local Government Act 1999:

- 1. The Council orders that the discussion and confidential internal memorandum/s and email content relating to Rescission Motion – Glenelg Oval be kept confidential on the basis that they deal with legal advice, under Section 90 (2) and 90(3)(h) of the Act.**
- 2. This resolution will be reviewed on or before 31 December 2007 by the Council.**

CARRIED

18. RESUMPTION

Councillor Boucheé moved and Councillor Fisk seconded that Council resume as an open meeting of Council at 12:26am.

19. CLOSURE

The Meeting closed at 12:27am.

CONFIRMED

Tuesday 13 March 2007

MAYOR