

**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 11 September 2007 at 7:00pm.**

**PRESENT**

His Worship the Mayor  
Deputy Mayor  
Councillors

A K Rollond  
R A Clancy  
R M Bouchée  
P N Crutchett  
J L Deakin  
L R Fisk  
J D Huckstepp  
S C Lonie – 7:19pm  
T D Looker  
A C Norton  
C A J Sheffield  
S Hodge  
C E Umaphysivam  
R A Thomas  
I S Walker

Acting Chief Executive Officer  
Acting General Manager Environment and Engineering  
General Manager Social and Organisation  
General Manager Strategy and Development  
Executive Manager Finance and Corporate

**1. OPENING**

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

**2. APOLOGIES****2.1 For Absence****2.2 Leave of Absence**

Councillor R D Beh  
Councillor P D H Heysen  
Councillor L van Camp

**3. PRESENTATION**

His Worship the Mayor presented to Council the Certificate of Commendation awarded to the City of Holdfast Bay, the City of West Torrens, the City of Marion, City of Mitcham and the City of Unley for the Sturt Community Emergency Risk Management Plan, received at the 2007 Australian Safer Communities Awards, and thanked Steve Watson for his efforts on behalf of the City of Holdfast Bay for his work on this project.

**4. CONFIRMATION OF MINUTES**

Councillor Crutchett moved and Councillor Looker seconded that the minutes of the Ordinary Meeting of Council held on 28 August 2007 be taken as read and confirmed.

**CARRIED**

**5. QUESTIONS BY MEMBERS****5.1 Without Notice** Nil**5.2 With Notice****5.2.1 2007 – 2008 Budget Figures request**

In accordance with her notice Councillor Bouchée asked the following question:

Could Administration please advise the Budget 2007-2008 figures for the following specific items:

1. Contracts
2. Temp Staff
3. Consultancies
4. Legal Advice

**Executive Manager Finance and Corporate response**

Our financial information system, including budgets, is set up to allow reporting across various dimensions including:

- by 'Department' (such as Environment and Engineering, Finance and Corporate)
- by 'Business Unit' (a unit within a department such as 'Business Development', 'Community Bus' and 'Libraries')
- by 'Activity' (such as 'Salaries', 'Cleaning', and 'Audit Fees')
- by 'Resource Group' (such as 'Contractual Services', 'Materials' and 'Salaries')

Identification of expenditure such as legal fees and temporary staff is relatively straight forward but the terms 'contractor' and 'consultant' are both open to some interpretation. The Resource Group 'Contractual Services' contains all expenditure on services provided by outside parties, including legal fees and temporary staff as well as a variety of other services such as cleaning, pest control, leasing and security. The amount included in the 2007/08 budget for the Resource Group 'Contractual Services' is \$7.111 million including \$500,100 for legal fees and \$105,550 for temporary staff.

A separate memo to Elected Members contains a full listing of expenditure on the Resource Group 'Contractual Services' analysed by Activity within Business Unit and totals for Department.

**5.2.2 Car parking area – Dunbar/Maxwell Terrace**

In accordance with her notice Councillor Bouchée asked the following question:

Could Administration please advise if the car parking area adjacent to the Tram Line at Dunbar Terrace / Maxwell Terrace are Council owned?

**Acting General Manager Environment and Engineering response**

The car parking area adjacent to the tramline at Maxwell Terrace and Dunbar Terrace is owned by Council.

### **5.2.3 Sale of Durham Street Car Park**

In accordance with her notice Councillor Bouchée asked the following questions:

1. Could Administration please advise why Durham Street Car Park was sold.
2. Was the proceeds from the sale of the Durham Street Car Park required to purchase Partridge Street properties.

#### **General Manager Strategy and Development response**

1. The capital received from the sale of the Durham Street site substantially funded the acquisition of the Milton Street land and its development as ground level car parking.
2. The availability of the Partridge Street properties was not known until after the sale.

**Councillor Bouchée advised that the response to the questions in Item 5.2.3 did not adequately answer her query and the Acting Chief Executive Officer advised that the question will be taken on notice.**

### **5.2.4 Norfolk Island Pines**

In accordance with his notice Councillor Looker asked the following question:

Would Administration outline any City of Holdfast Bay programs specific to the Norfolk Island Pines which addresses replacement of old or sick specimens, identification of locations to plant new trees and strategies to improve the health of trees under stress.

#### **Background**

Following the public interest in the motion of last meeting I would like to put this question on notice to highlight to the public what we are doing.

#### **Acting General Manager Environment and Engineering response**

The Norfolk Island Pines are tested for termite activity on a 2-3 year rotational cycle. These checks are undertaken to ensure the structural integrity of the trees is not compromised by termites. Generally any infestations are only minor and can be treated without having to remove the tree.

In recognising the importance of the Norfolk Island Pines and that some may have less than 20 years life left, Administration has commenced an overall health audit of the trees, with a view to initiating programs to improve health and developing a replacement plan for all existing Norfolk Island Pines. In terms of new plantings, replacements occur whenever one is removed (as with all street trees). The exception to this rule is when the tree interferes with traffic sight lines or is in an inappropriate location (such as the one removed on the corner of Brighton Road and the Broadway earlier this year).

It is programmed for next planting season for the first stage of the Patawalonga Banks Norfolk Island Pines planting plan to occur as per resolution EE240106/007. These plantings will systematically replace the planned removal of the Itchy Pod trees. Over 45 Norfolk Island pines are planned to be planted along the banks.

## 6. REPORTS BY DELEGATES OR REPRESENTATIVES

Councillor Bouchée reported on the Western Region Waste Management Authority meeting.

His Worship the Mayor advised that Les Perry, former Chief Executive Officer of the Southern Region Waste Management Resource Authority, and was very grateful for Council's acknowledgement of contribution to the City's development.

## 7. PETITIONS AND DEPUTATIONS

### 7.1 Memorial seat in Gilbertson Gully

Ms Jen Mathwin-Raymond made a deputation to Council relating to Council's decision not to replace the memorial 'conversation' seat in Gilbertson Gully.

**Councillor Bouchée left meeting at 7:17pm.**

### 7.2 Memorial seat in Gilbertson Gully

Mrs Pat Macaskill made a deputation to Council relating to Council's decision not to replace the memorial 'conversation' seat in Gilbertson Gully.

**Councillor Lonie joined the meeting at 7:19pm.**

**Councillor Bouchée rejoined the meeting at 7:20pm.**

## 8. NOTICES OF MOTION

**Councillor Crutchett declared an interest in the following item, as it dealt with a personal reimbursement and left the meeting at 7:20pm.**

**Councillor Bouchée declared an interest in the following item, as it dealt with a personal reimbursement and left the meeting at 7:24pm.**

### 8.1 Reimbursement for personal property damaged whilst undertaking Council business

In accordance with Councillor Crutchett's notice:

**Councillor Looker moved and Councillor Huckstepp seconded that Council reimburse Councillor Philip Crutchett for him safety shoes (value of \$107.82) ruined whilst advising residents of the Broadway and The Esplanade, Glenelg that the area was flooding and they should remove any cars from the street.**

**LOST**

#### **Background**

I have been advised by Administration that this was not considered part of my role as an Elected Member and that I am unable to lodge a claim.

I can only reflect on the matter whereby Council paid for a new pair of glasses for Councillor Holt (from a previous Council) when he broke his, whilst out inspecting (I think a footpath).

I view in my case; I was the first person on the scene who could see the flooding problem developing and took action to alert Council Staff, (call logged) then the Police.

After the Manager Works and Services arrived at the scene, he blocked the intersection of The Broadway and Moseley Street, and I proceeded down the street to

stop cars coming along The Esplanade. With the continued lack of either the Police or Council Staff, I called Councillor Bouchée to come and assist. She proceeded to block Farrell Street and The Esplanade and her car was inundated with sea water.

With the street now blocked to traffic, I proceeded to door knock the houses in the affected area to alert them of the flooding and get cars moved from the street.

The Broadway is located in the Somerton Ward, my ward, and I was carrying out my role as outlined in the Local Government act and the role as defined by the Local Government Association.

“a person elected to the Council, to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the Council.”

I think Council should determine if it is the Elected Members role to become involved in emergency situations.

### **Acting Chief Executive Officers comment**

The roles of an Elected Member are outlined in section 59 of the Local Government Act as follows:

- (1) The role of a member of a council is -
  - (a) as a member of the governing body of the council –
    - (i) to participate in the deliberations and civic activities of the council;
    - (ii) to keep the council's objectives and policies under review to ensure that they are appropriate and effective;
    - (iii) to keep the council's resource allocation, expenditure and activities, and the efficiency and the effectiveness of its service delivery, under review;
  - (b) as a person elected to the council - to represent the interests of the residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the council.
- (2) A member of a council may, with the principal member's authorisation act in place or represent, the principal member.
- (3) A member of a council has not direct authority over an employee of the Council with respect to the way in which the employee performs his or her duties.

The activities undertaken by Councillor Crutchett during the recent floods, were actions that may fairly be described as executive and/or operational and so fall outside of this definition and cannot properly be described as being within the legitimate role of an Elected Member. This fact is further reinforced in that the expenses being sought are not reimbursable under the provisions of Section 77 of the Act and Regulations 5 or 6 of the Local Government (Members Allowances and Benefits) Regulations 1999 as expenses which must or may be reimbursed by the Council to an Elected Member. These provisions 'cover the field' in terms of the type and range of expenses which may be reimbursed to a member related to the performance of functions of office.

However, in appreciation of the community mindedness of Councillor Crutchett in the acts undertaken by him, Council might consider a one-off ex-gratia payment to cover the cost of replacing the work boots that were damaged on this occasion.

## **8.2 Reimbursement for car wash required after undertaking Council business**

In accordance with Councillor Bouchée's notice:

**Councillor Looker moved and Councillor Huckstepp seconded that Councillor Bouchée be reimbursed for the amount of \$ 30.00, being the cost of a car wash underneath and all over due to inundation of sea water waves/spray.**

**LOST**

### **Background**

This occurred when ensuring that no cars entered The Broadway on the night of the road flooding on Wednesday 4 July 2007, as no Emergency Services or Police attended to assist when flood was increasing and there was a possibility of water entering properties.

### **Acting Chief Executive Officers comment**

Please refer to the comments regarding the role of an Elected Member for Item 8.1 – Reimbursement for personal property damaged whilst undertaking Council business.

The activities undertaken by Councillor Bouchée during the recent floods, fall outside of this definition and therefore cannot properly be described as being within the legitimate role of an Elected Member.

However, in appreciation of the community mindedness of the acts undertaken by Councillor Bouchée, Council might consider a one-off ex-gratia payment to cover the cost of washing Councillor Bouchée's car which was required after this occasion.

**Councillor Bouchée and Councillor Crutchett rejoined the meeting at 7:29pm.**

## **8.3 Listing of Council owned land in the Jetty Road, Glenelg area on the Land Register**

In accordance with his notice:

**C110907/287 Councillor Crutchett moved and Councillor Bouchée seconded that all Council owned land (not being roads and footpaths) in the Glenelg Jetty Road District centre, identified in the Jetty Road Glenelg Urban design framework be included in the Community land register, and that Administration prepare, subject to budget funding, a Management Plan as required under the Act.**

**CARRIED**

### **Background**

I feel it would be a disaster for traders and their customers if this council is allowed to dispose of car parking land in this area without going through a public consultation process. Land owned by a council and not listed on a community land register can be disposed of in a confidential process without an open auction or tender process.

### **General Manager Strategy and Development comment**

Council undertook a process in 2002 to identify its community land, which resulted in 83 properties being included on the Community Land Register and exclusion of 35 properties from the Register. In undertaking this process, Council was faced with the challenge of balancing the "protection" of all Council owned land through a Community Land Register, with the exclusion of certain properties to allow for the necessary level of flexibility in managing business use properties and delivery of services.

The Local Government Act also generally acknowledges that open space land is most likely to be designated as community land while land comprising of mostly built form with a business-type use is more likely to be excluded due to the significant restrictions the community land listing imposes on Council's when and if it wishes to alter the current land arrangements (i.e. re-develop, upgrade, sell, amalgamate with other sites, change the use of the land etc).

Based on this approach and to ensure consistency across Holdfast Bay, Council properties excluded from the definition of Community Land were based on the following criteria:

1. Land holdings used exclusively for business purposes by Council or other parties
2. Short to medium term land holdings held by Council to guide development in support of Council's development plans
3. Current land holdings identified as surplus to Council requirements

Exclusion of land from the Community Land Register will allow Council to remain dynamic and to change the type and location of strategic property assets to meet the changing needs of the community, driven by things like demographic shifts and changes to the types of services delivered by Local Government. Exclusion from Community Land status also gives Council greater flexibility in responding to life cycle costs of built assets located on Council owned land, by enabling Council to rationalise and maximise benefits through asset renewal decisions for properties containing buildings and structures as they near the end of their useful life and require major re-investment decisions.

However, regardless of whether or not a site held for business or commercial purposes is classified as Community Land, it would still be appropriate for Council to consult with the community regarding any proposals or changes to the land that would significantly impact on ratepayers."

Should Members still consider the listing of all council owned land (excluding roads and footpaths) in the Glenelg Jetty Road District Centre may be appropriate, it is recommended that Administration provide a more detailed report to Council on the range of implications this listing will have.

#### **8.4 Publishing of all documents relating to the acquisition and disposal of the Durham Street car park and 3-7 Partridge Street, Glenelg**

In accordance with his notice:

**C110907/288 Councillor Crutchett moved and Councillor Bouchée seconded:**

- 1. That all documents including minutes, reports, report attachments held by the Council and relating to the acquisition and disposal of Durham Street car park, 3-7 Partridge Street, Glenelg be scanned and loaded on the Council website by 30 September 2007.**
- 2. That Administration write to the parties details on the contracts held by Council and pertaining to 1 – 3 Partridge Street, Glenelg suggesting that Council believes it is in the public interest to place the contract documents on it's website at the end of thirty days of the date of this letter, and Administration indicates to the parties they have thirty days to indicate to Council why this action may be contrary to the public interest.**

**CARRIED**

## Background

Council recently released documents relating to these transactions; however the transactions and decisions made were prior to Council implementing community access to minutes and reports on the website.

Given the community perception that there is a shortage of car parking in the Glenelg Jetty Road district centre, I view it as important that stakeholders have access to the directions taken by previous Councils to support the continued supply of parking in this area.

## Acting Chief Executive Officer comment

While the opportunity for the public to have access to all Council Reports, Attachments and Minutes in association with the acquisition and disposal of the Durham Street car park site and 3-7 Partridge Street, Glenelg which have been released from confidence is appropriate, it is considered that access to sale and purchase contracts between a vendor and a purchaser which have not previously been an attachment to a Council report or released to the public is inappropriate. It is recommended that legal advice on the release of such contractual documents be sought prior to any public distribution.

## 8.5 Renaming of the Council discretionary project list

In accordance with his notice:

**C110907/289 Councillor Crutchett moved and Councillor Bouchée seconded:**

1. That the Council discretionary project list be renamed the “Council forward project list for budget consideration”, and that the list be updated each quarter in line with the quarterly report.
2. That Administration report further on developing a simple electronic form, where Elected Members can indicate their individual rating of a project so the combined rating can be recorded in the report (refer to table below).

**CARRIED**

### Forward Project List for Budget consideration

Date listed	Project description (maximum 30 words)	Sponsored By Elected Member Administration Decision of Council	Estimated Cost of Project \$	VALUE High = >\$500K Medium = ≤ \$200K Low = ≤ \$200K	Elected Members Importance Urgent	Elected Members Importance High, Medium Low	Project Works Plan Service Value
		Administration		High = >\$500K	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	High	Works
		Elected Member		Medium = \$200K	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Medium	Planning
		Decision of Council		Low = \$50K	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Low	Service

## Background

I have been concerned for some time that Council has a growing list of projects for budget consideration that are usually only revisited during the budget setting process. I believe if we have a quarterly review process and indicate a combined feeling on the priority of the project, administration will be provided with some guidance.

Elected Members who have a pet project that has a low rating will be able to get their colleagues to have a look at the project.

I give the example of the Brighton Jetty Road rail crossing where a local Elected Member knew there was an urgent need for some money. It was only in the budget discussion workshop that it became how important action on this issue was. If this project had have been identified as a low priority by the majority of Elected Members



this Elected Member could have suggest to his colleagues to look at the issue prior to the budget setting meeting.

**9. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)  
(7:50PM)**

**Councillor Deakin moved and Councillor Bouchée seconded that Council stand adjourned to enable the permanent Social and Organisation and Strategy and Development Committees to meet.**

**CARRIED**

**10. RESUMPTION**

**Councillor Crutchett moved and Councillor Clancy seconded that Council resume at 8:49pm.**

**CARRIED**

**11. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION**

**11.1 Social and Organisation Committee**

The Chairperson, Councillor Clancy reported that the Social and Organisation Committee had met this evening and had processed the business contained in the agenda documents.

**Councillor Clancy moved and Councillor Fisk seconded:**

- 1. That the report of the Chairman of the Social and Organisation Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Social and Organisation Committee be adopted.**

**CARRIED**

**11.2 Strategy and Development Committee**

The Chairperson, Councillor Crutchett reported that the Strategy and Development Committee had met this evening and had processed the business contained in the agenda documents.

**Councillor Crutchett moved and Councillor Fisk seconded:**

- 1. That the report of the Chairman of the Strategy and Development Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Strategy and Development Committee be adopted.**

**CARRIED**

**11.3 Item 8.6 from Strategy and Development Committee – Council Policies Review – Strategy and Development Policies (Report No: 409/07)**

Council regularly reviews its policy position on a number of issues. These reviews ensure that any changes to legislative requirements are incorporated and that any changes to practice or policy intent are reflected.

Administration has undertaken a review of the existing Policies and identified any required or appropriate changes of this nature.

The purpose of this report is to seek Council's consideration of the revised Policies and to seek formal endorsement of the documentation. These Policies will not be reproduced to Members, after a decision has been made. Update Policies will be placed on the Council website.

**Councillor Bouchée moved and Councillor Looker seconded:**

1. That the draft Council Policies circulated to Elected Members for information and feedback and dated 11 September 2007 be adopted with amendments to be made to Policy Number 2.3 Liquor Licence, hours of trading which shall read (a) (i) Monday to Thursday inclusive between 7:00am and 12:00 midnight.
2. That these Policies form Council's Policy Manual and that these be made available on Council's website.
3. That the Policy Manual be maintained electronically.

**LOST**

A division was called.

Voted For	Voted Against
Councillor Bouchée	Councillor Crutchett
Councillor Fisk	Councillor Clancy
Councillor Huckstepp	Councillor Deakin
Councillor Looker	Councillor Lonie
	Councillor Norton

**HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST**

**C110907/290 Councillor Deakin moved and Councillor Norton seconded:**

1. That the draft Council Policies circulated to Elected Members for the information and feedback dated 11 September 2007 be adopted.
2. That these Policies form Council's Policy Manual and that these be made available on Council's website.
3. That the Policy Manual be maintained electronically.

**CARRIED**

## 12. DEVELOPMENT ASSESSMENT PANEL

Councillor Clancy moved and Councillor Crutchett seconded that the minutes of the Development Assessment Panel meeting held on Wednesday 22 August 2007 be received.

**CARRIED**

## 13. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES Nil

## 14. REPORTS OF REGIONAL SUBSIDIARIES Nil

## 15. REPORTS BY OFFICERS

### 15.1 Items in Brief (Report No: 410/07)

Report No: 410/07 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C110907/291 Councillor Deakin moved and Councillor Norton seconded that the report be noted and items of interest be discussed.**

**CARRIED**

**15.2 Western Region Waste Management Authority – Amendments to Charter (Report No: 407/07)**

Council is a constituent member of the Western Region Waste Management Authority, which is engaged in closing and remediating the former Garden Island landfill facility. The Authority has reviewed its Charter, as required by the Local Government Act, and has recommended various amendments for adoption by the constituent councils.

**C110907/292 Councillor Bouchée moved and Councillor Looker seconded:**

1. That Council accepts the recommendation of the Western Region Waste Management Authority that the Charter of the Authority be amended to reflect those changes marked in the revised Charter attached to the Chief Executive Officer's Report Number 407/07 ("Western Region Waste Management Authority – Amendments to Charter") and included as Attachment 1 to that report.
2. That Council hereby approves the amended Charter and authorises that it be gazetted and a copy furnished to the Minister as required by clause 29(5) of Schedule 2 to the Local Government Act 1999.

**CARRIED**

**15.3 Adjourned Item – [Report No: 252/07] Irrigated Public Open Space Management (Report No: 412/07)**

Environment and Engineering Committee at its meeting held on 22 May 2007 resolved to adjourn consideration of Report No: 252/07 and resolved at the Council Meeting held on 28 August 2007 to reconsider this matter.

The matter is now presented for further consideration.

**C110907/293 Councillor Bouchée moved and Councillor Huckstepp seconded that the report be received and the adjourned item [Report No: 252/07] Irrigated Public Open Space Management be reconsidered.**

**CARRIED**

**Councillor Huckstepp moved and Councillor Crutchett seconded that Parks and Gardens Staff work within State Government mains water allocations to apply as much water to parks as allowed and undertake further investigation into the cost of coring parks and report further to Council.**

**LOST**

**C110907/294 Councillor Clancy moved and Councillor Bouchée seconded:**

1. That the Turf Forum Workshop findings be noted.
2. That the Turf Action Plan at Attachment 1 of Report No: 252/07 be endorsed.
3. That Administration reports back to Council on outcomes of the Turf Action Plan as it is progressed.

**CARRIED**

**16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS**

A listing of resolutions subject to formal resolutions to adjourn or lay on the table items of Council business, for the current term of Council were presented in the Agenda.

**17. URGENT BUSINESS****17.1 Local Government Association Annual General Meeting - 9 October 2007**

His Worship the Mayor advised that he is unable to attend and that Council needed to appoint another voting delegate, to act as his proxy. As Councillor Crutchett has put forward a Notice of Motion for the meeting, it may be appropriate that Councillor Crutchett be made the Council's voting delegate for the Annual General Meeting.

**C110907/295** Councillor Bouchée moved and Councillor Fisk seconded that Councillor Crutchett be appointed as the City of Holdfast Bay's voting delegate (Mayor's Proxy) at the Local Government Association Annual General Meeting to be held on 19 October 2007.

**CARRIED****17.2 Replacement of Lagenaria Patersoni (Itchy Pod Trees) along the Patawalonga**

**C110907/296** Councillor Huckstepp moved and Councillor Deakin seconded that the removal of the Lagenaria Patersoni (Itchy Pod Trees) along the Patawalonga banks be placed on hold and that a preferred planting species for the Patawalonga banks be determined and reported to Council.

**CARRIED****17.3 Memorial seat in Gilbertson Gully**

**C110907/297** Councillor Crutchett moved and Councillor Looker seconded that Administration write to the Mathwin family advising them that Council is aware of the contribution John Mathwin made to the community; through:

- War service in the Battle of Britain;
- As a Councillor with the City of Brighton from 1960 to 1971;
- As the state member for Glenelg from 1970 to 1985;
- As a Brighton Councillor from 1994 to 1997 and from 1997 to 2003; and
- Councillor and Deputy Mayor of the City of Holdfast Bay.

Council has acknowledged John Mathwin's contribution in November 2001 by naming a reserve John Mathwin Reserve. If the family and friends of the late John Mathwin wish to provide additional place of memory, it is suggested that they participate in the City of Holdfast Bay memorial seat program.

**CARRIED****17.4 Leave of Absence**

Councillor Crutchett has applied for a leave of absence for the Council meeting to be held on 25 September 2007

**C110907/298** Councillor Fisk moved and Councillor Bouchée seconded that Councillor Crutchett be granted leave of absence for the Council meeting to be held on 25 September 2007.

**CARRIED**

**18. ITEMS IN CONFIDENCE****18.1 Items in brief (Report No: 411/07)**

**Council officers remaining: Mr Sheffield, Mr Hodge, Mrs Umapathysivam, Mr Walker and Ms Thomas**

**C110907/299 Councillor Crutchett moved and Councillor Deakin 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**

**Items in brief (Report No: 411/07)**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C110907/301 Councillor Crutchett moved and Councillor Fisk 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: 411/07 with the exception of Resolution No:C110907/299 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 2008 by the Council.**

**CARRIED**

**18.2 Former Purchase of Properties at 3, 5 and 7 Partridge Street, Glenelg  
(Report No:415/07)**

**Council officers remaining: Mr Sheffield, Mr Hodge, Mrs Umapathysivam,  
Mr Walker and Ms Thomas**

**C110907/302 Councillor Crutchett moved and Councillor Bouchée 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**

**Former Purchase of Properties at 3, 5 and 7 Partridge Street, Glenelg  
(Report No:415/07)**

This report has been compiled in response to a resolution of Council in February 2007 relating to a number of issues associated with the properties at 3, 5 and 7 Partridge Street, Glenelg. Parts 1 to 3 of the resolution are awaiting a response from the Minister for Local Government before a report is presented back to Council. This report deals with parts 4 to 5 of the resolution which sought details as to the acquisition process and current valuation of 3-7 Partridge Street, Glenelg.

**C110907/303 Councillor Crutchett moved and Councillor Bouchée seconded that the Addendum to Item 18.2 Former Purchase of Properties at 3, 5 and 7 Partridge Street, Glenelg be received.**

**CARRIED**

**C110907/304 Councillor Deakin moved and Councillor Looker seconded that this matter be no longer considered in confidence.**

**CARRIED**

**C110907/305 Councillor Crutchett moved and Councillor Looker seconded that the report be noted and items of interest be discussed.**

**CARRIED**

**18.3 Sale of Property for Non Payment of Council Rates (Report No: 417/07)**

**C110907/306** Councillor Crutchett moved and Councillor Fisk seconded that, pursuant to Section 90(2) and 90(3)(a) 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:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).

**CARRIED****Sale of Property for Non Payment of Council Rates (Report No: 417/07)****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C110907/308** Councillor Crutchett moved and Councillor Bouchée seconded that pursuant to Section 90(2), 90(3)(a) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 417/07 with the exception of Resolution No: C110907/306 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 would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead) under Section 90 (2) and 90(3)(a) of the Act.
2. This resolution will be reviewed on or before 31 December 2007 by the Council.

**CARRIED****19. RESUMPTION**

Councillor Crutchett moved and Councillor Clancy seconded that Council resume as an open meeting of Council at 10:26pm.

**CARRIED****20. CLOSURE**

The Meeting closed at 10:27.

**CONFIRMED****Tuesday 25 September 2007****MAYOR**