

## 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 8 April 2008 at 7:00pm.**

### PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillors	R D Beh
	J L Deakin
	L R Fisk
	P D H Heysen
	J D Huckstepp
	S C Lonie
	T D Looker
	A C Norton
	L van Camp
Chief Executive Officer	R T Donaldson
Acting General Manager Environment and Engineering	S Hodge
Acting General Manager Social and Organisation	G Millar
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 an acknowledgement of Kaurna Traditional Owners at 7:00pm.

### 2. APOLOGIES

2.1 For Absence	Nil
2.2 Leave of Absence	Councillor R M Bouchée Councillor P N Crutchett

### 3. PRESENTATION Nil

### 4. CONFIRMATION OF MINUTES

**Councillor Heysen moved and Councillor Fisk seconded that the minutes of the Ordinary Meeting of Council held on 25 March 2008 be taken as read and confirmed.**

**CARRIED**

### 5. CHIEF EXECUTIVE OFFICER'S ACTIVITIES REPORT

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

**CARRIED**

## **6. QUESTIONS BY MEMBERS**

### **6.1 Without Notice**

#### **6.1.1 Glenelg to Adelaide Bikeway**

Councillor Looker asked a question regarding the status of the Glenelg to Adelaide Bikeway along the tramline.

**Acting General Manager Environment and Engineering provided a response.**

#### **6.1.2 Quality of Glenelg North Beach**

Councillor Heysen asked a question regarding projects to improve the quality of Glenelg North Beach.

**Acting General Manager Environment and Engineering provided a response.**

#### **6.1.3 North Esplanade Powerline Undergrounding**

Councillor Beh asked a question regarding plans to place powerlines underground along the North Esplanade.

**Acting General Manager Environment and Engineering provided a response.**

#### **6.1.4 Elected Member contact with Government Departments**

Councillor Clancy asked a question regarding Members' "speaking to people in Government Departments" and citing the discussions in Council and Committee meetings.

**His Worship the Mayor and the Chief Executive Officer provided a response.**

### **6.2 With Notice**

#### **6.2.1 Engagement of Consultants and Staff on Short term contracts**

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

- 6.2.1.1 Could the Chief Executive Officer please confirm if the engagement of Consultants is a delegated authority?

#### **Chief Executive Officer's response**

**The Local Government Act defines the role of the Chief Executive Officer in Section 99 and the engagement of consultants falls within the scope of this definition. In this respect, no delegation of authority is required for this activity to take place.**

**However, a number of further delegations from Council (Local Government Act powers delegations 4.1 and 34) also encompasses this activity.**

6.2.1.2 Could the Chief Executive Officer please advise if the engagement of a person on a short term contract is a delegated authority?

**Chief Executive Officer's response**

**If this question relates to a short term *employment* contract, then this is not subject to the exercise of a delegated authority but is one of the specific powers ascribed to the CEO by the Local Government Act (S103 (1)).**

**If this question relates to *contracts for services* to complete discrete task/s, then the same response as provided in question 1 applies.**

**Either way, the engagement of a person on a short term contract, falls within the scope of the role of the Chief Executive Officer.**

6.2.1.3 Could the Chief Executive Officer please advise if a consultancy/short term contract is understood by this Management Team as a permanent employment by the City of Holdfast Bay?

**Chief Executive Officer's response**

**A consultant engaged on the basis of a *contract for services*, is not considered to be an employee of the City of Holdfast Bay.**

6.2.1.4 Could the Chief Executive Officer please advise if any individual/s who had resigned from their position/s with the City of Holdfast Bay in the last 3 years been re-engaged as a consultant or engaged by way of a short term contract?

**Chief Executive Officer's response**

**Yes. A number of individuals who were previously employees of the City of Holdfast Bay have been engaged as consultants.**

**6.2.2 Whistleblowers Policy Awareness**

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

Will the Chief Executive Officer please detail action that has been taken to inform all Council Employees of the recently approved "Whistleblowers' Policy" and the steps an individual may follow to make a report?

**General Manager Social and Organisation response**

**There has not been any action at this point in time with respect to the Whistleblowers Policy recently adopted by Council and the administrative mechanisms required to support its implementation. However, consideration will be given to widespread staff training outlining both the content of the policy and the way to go about making a complaint. Equally importantly, further information documents will be prepared for use by members of the community wanting to bring issues to Council's attention.**

### **6.2.3 Blue Loop Community Bus Service**

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

Assuming a modest 10% pa growth in the service, what will be the forecast (over ten years) net costs per annum to Council, of the Blue Loop Community Bus service?

#### **Acting General Manager Social and Organisation response**

**The total cost and other benefits to the community for current and future provision of the Community Blue Loop Bus can only be provided through estimation at this time.**

Currently the service is provided three days per week as part of the Loop Service within Glenelg and connecting to other Community Transport within the City at Bath Street Interconnection by arrangement. Currently an average of 35 passengers per day use the service and current usage patterns indicate that the assumption of a 10% increase in passenger numbers will be achieved with the current service.

The Community Blue Loop Bus covers a 12 km route which is completed every thirty (30) minutes. Currently the service operates for 6 hours per day. It is anticipated that the service covers 22,032 km for the 3 day a week service and if a 5 day a week service is implemented the vehicle will cover 36,720km.

When looking at the comparison of the costs between hiring and purchasing of a vehicle none of the figures provided include any extra charges for exceeding the allowed mileage for a hired vehicle on a daily basis.

The figures provided in the attached spreadsheets assume that:

- Fuel costs increase by 3% over the next 7 years;
- The loop bus service operates 51 weeks per year;
- The Transport Coordinator spends 50% of their time coordinating this program and that the remainder is spent coordinating the other community transport services Council provides;
- A 10% increase in passenger numbers is assumed every year;
- Depreciation has been calculated at 15% per annum.

The Blue Community Loop Bus is expected to have a useful life of 6.5 years which is outlined in the *Passenger Transport Act Section 72 – Age of Vehicles*, which provides for a small passenger vehicle (special purpose) accreditation (ii) in any other case – more than six years and six months old, however the Minister may approve the use of an older vehicle if satisfied the condition warrants. Due to this legislative requirement we have calculated the figures to cover the actual legislative life of the vehicle.

Sheet 1 outlines the actual costs to date and the anticipated costs for the next 7 years for the 3 and 5 day a week service if a vehicle is hired and no other resources are provided to the coordination of the service.

Sheet 2 outlines the initial one off costs of purchasing a vehicle and the anticipated ongoing costs for the life of the vehicle for the 3 and 5 day service.

Sheet 3 outlines the costs for hiring a vehicle and providing a transport coordinator to manage the service.

**HIRE VEHICLE SHEET 1**

**3 Day a week service - Hiring Vehicle**

	Current Service	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Hire Vehicle and Fuel	\$ 23,970	\$ 24,689	\$ 25,430	\$ 26,193	\$ 26,978	\$ 27,788	\$ 28,621	\$ 29,480
Promotion	\$ 1,030	\$ 1,061	\$ 1,093	\$ 1,126	\$ 1,159	\$ 1,194	\$ 1,230	\$ 1,267
<b>TOTAL</b>	<b>\$ 25,000</b>	<b>\$ 25,750</b>	<b>\$ 26,523</b>	<b>\$ 27,318</b>	<b>\$ 28,138</b>	<b>\$ 28,982</b>	<b>\$ 29,851</b>	<b>\$ 30,747</b>
<b>Number of Passengers</b>	<b>5,355</b>	<b>5,891</b>	<b>6,480</b>	<b>7,128</b>	<b>7,840</b>	<b>8,624</b>	<b>9,487</b>	<b>10,435</b>
<b>Total cost per passenger</b>	<b>\$ 4.67</b>	<b>\$ 4.37</b>	<b>\$ 4.09</b>	<b>\$ 3.83</b>	<b>\$ 3.59</b>	<b>\$ 3.36</b>	<b>\$ 3.15</b>	<b>\$ 2.95</b>

**5 Day a week service - Hiring Vehicle**

	Current Service	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Hire Vehicle and Fuel	\$ 48,450	\$ 49,904	\$ 51,401	\$ 52,943	\$ 54,531	\$ 56,167	\$ 57,852	\$ 59,587
Promotion	\$ 1,030	\$ 1,061	\$ 1,093	\$ 1,126	\$ 1,159	\$ 1,194	\$ 1,230	\$ 1,267
<b>TOTAL</b>	<b>\$ 49,480</b>	<b>\$ 50,964</b>	<b>\$ 52,493</b>	<b>\$ 54,068</b>	<b>\$ 55,690</b>	<b>\$ 57,361</b>	<b>\$ 59,082</b>	<b>\$ 60,854</b>
<b>Number of Passengers</b>	<b>8,925</b>	<b>9,818</b>	<b>10,799</b>	<b>11,879</b>	<b>13,067</b>	<b>14,374</b>	<b>15,811</b>	<b>17,392</b>
<b>Total Cost Per Passenger</b>	<b>\$ 5.54</b>	<b>\$ 5.19</b>	<b>\$ 4.86</b>	<b>\$ 4.55</b>	<b>\$ 4.26</b>	<b>\$ 3.99</b>	<b>\$ 3.74</b>	<b>\$ 3.50</b>

**VEHICLE PURCHASE - WITH TRANSPORT COORDINATOR** **SHEET 2**

**3 Day a week service - purchased vehicle**

	One off costs	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	
Transport coordinator		\$ 23,296	\$ 23,995	\$ 24,715	\$ 25,456	\$ 26,220	\$ 27,006	\$ 27,817	
Vehicle Purchase	\$ 75,000								
Branding	\$ 3,000								
Registration, Insurance etc		\$ 1,500	\$ 1,545	\$ 1,591	\$ 1,639	\$ 1,688	\$ 1,739	\$ 1,791	
Fuel		\$ 4,000	\$ 4,120	\$ 4,244	\$ 4,371	\$ 4,502	\$ 4,637	\$ 4,776	
Repairs and Maintenance		\$ 6,000	\$ 6,180	\$ 6,365	\$ 6,556	\$ 6,753	\$ 6,956	\$ 7,164	
Depreciation		\$ 11,700	\$ 11,700	\$ 11,700	\$ 11,700	\$ 11,700	\$ 11,700	\$ 11,700	\$ 81,900
<b>TOTAL</b>	<b>\$ 78,000</b>	<b>\$ 46,496</b>	<b>\$ 47,540</b>	<b>\$ 48,615</b>	<b>\$ 49,723</b>	<b>\$ 50,863</b>	<b>\$ 52,038</b>	<b>\$ 53,248</b>	
<b>Number of Passengers</b>	<b>5,355</b>	<b>5,891</b>	<b>6,480</b>	<b>7,128</b>	<b>7,840</b>	<b>8,624</b>	<b>9,487</b>	<b>10,435</b>	
<b>Total Cost Per Passenger</b>	<b>\$ 14.57</b>	<b>\$ 7.89</b>	<b>\$ 7.34</b>	<b>\$ 6.82</b>	<b>\$ 6.34</b>	<b>\$ 5.90</b>	<b>\$ 5.49</b>	<b>\$ 5.10</b>	

**5 Day a week service - purchased vehicle**

	One off costs	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	
Transport coordinator		\$ 23,296	\$ 23,995	\$ 24,715	\$ 25,456	\$ 26,220	\$ 27,006	\$ 27,817	
Vehicle Purchase	\$ 75,000								
Branding	\$ 3,000								
Registration, Insurance etc		\$ 1,500	\$ 1,545	\$ 1,591	\$ 1,639	\$ 1,688	\$ 1,739	\$ 1,791	
Fuel		\$ 6,667	\$ 6,867	\$ 7,073	\$ 7,285	\$ 7,503	\$ 7,728	\$ 7,960	
Repairs and Maintenance		\$ 6,000	\$ 6,180	\$ 6,365	\$ 6,556	\$ 6,753	\$ 6,956	\$ 7,164	
Depreciation		\$ 11,700	\$ 11,700	\$ 11,700	\$ 11,700	\$ 11,700	\$ 11,700	\$ 11,700	\$ 81,900
<b>TOTAL</b>	<b>\$ 78,000</b>	<b>\$ 49,163</b>	<b>\$ 50,287</b>	<b>\$ 51,444</b>	<b>\$ 52,636</b>	<b>\$ 53,865</b>	<b>\$ 55,130</b>	<b>\$ 56,432</b>	
<b>Number of Passengers</b>	<b>8,925</b>	<b>9,818</b>	<b>10,799</b>	<b>11,879</b>	<b>13,067</b>	<b>14,374</b>	<b>15,811</b>	<b>17,392</b>	
<b>Total Cost Per Passenger</b>	<b>\$ 8.74</b>	<b>\$ 5.01</b>	<b>\$ 4.66</b>	<b>\$ 4.33</b>	<b>\$ 4.03</b>	<b>\$ 3.75</b>	<b>\$ 3.49</b>	<b>\$ 3.24</b>	

**HIRE VEHICLE - WITH TRANSPORT COORDINATOR SHEET 3**

**3 Day a week service - Hiring Vehicle**

	Current Service	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Hire Vehicle and Fuel	\$ 23,970	\$ 24,689	\$ 25,430	\$ 26,193	\$ 26,978	\$ 27,788	\$ 28,621	\$ 29,480
Promotion	\$ 1,030	\$ 1,061	\$ 1,093	\$ 1,126	\$ 1,159	\$ 1,194	\$ 1,230	\$ 1,267
Transport coordinator		\$ 23,296	\$ 23,995	\$ 24,715	\$ 25,456	\$ 26,220	\$ 27,006	\$ 27,817
<b>TOTAL</b>	<b>\$ 25,000</b>	<b>\$ 49,046</b>	<b>\$ 50,517</b>	<b>\$ 52,033</b>	<b>\$ 53,594</b>	<b>\$ 55,202</b>	<b>\$ 56,858</b>	<b>\$ 58,563</b>
<b>Number of Passengers</b>	<b>5,355</b>	<b>5,891</b>	<b>6,480</b>	<b>7,128</b>	<b>7,840</b>	<b>8,624</b>	<b>9,487</b>	<b>10,435</b>
<b>Total cost per passenger</b>	<b>\$ 4.67</b>	<b>\$ 8.33</b>	<b>\$ 7.80</b>	<b>\$ 7.30</b>	<b>\$ 6.84</b>	<b>\$ 6.40</b>	<b>\$ 5.99</b>	<b>\$ 5.61</b>

**5 Day a week service - Hiring Vehicle**

	Current Service	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Hire Vehicle and Fuel	\$ 48,450	\$ 49,904	\$ 51,401	\$ 52,943	\$ 54,531	\$ 56,167	\$ 57,852	\$ 59,587
Promotion	\$ 1,030	\$ 1,061	\$ 1,093	\$ 1,126	\$ 1,159	\$ 1,194	\$ 1,230	\$ 1,267
Transport coordinator		\$ 23,296	\$ 23,995	\$ 24,715	\$ 25,456	\$ 26,220	\$ 27,006	\$ 27,817
<b>TOTAL</b>	<b>\$ 49,480</b>	<b>\$ 74,260</b>	<b>\$ 76,488</b>	<b>\$ 78,783</b>	<b>\$ 81,146</b>	<b>\$ 83,581</b>	<b>\$ 86,088</b>	<b>\$ 88,671</b>
<b>Number of Passengers</b>	<b>8,925</b>	<b>9,818</b>	<b>10,799</b>	<b>11,879</b>	<b>13,067</b>	<b>14,374</b>	<b>15,811</b>	<b>17,392</b>
<b>Total Cost Per Passenger</b>	<b>\$ 5.54</b>	<b>\$ 7.56</b>	<b>\$ 7.08</b>	<b>\$ 6.63</b>	<b>\$ 6.21</b>	<b>\$ 5.81</b>	<b>\$ 5.44</b>	<b>\$ 5.10</b>

#### **6.2.4 Development Assessment Panel Queries**

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

- 6.2.4.1 Could the Management Team advise if photos were passed out to the DAP Panel meeting by the Developer/Owner on the night of the 26/03/08?

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

The Applicant for application 110/1154/07, 70 Myrtle Road Seacliff, brought photographs along to the Development Assessment Panel meeting held on 26 March 2008 and when addressing the Panel in response to the verbal representations, requested that the Panel view those photographs. The Panel agreed to view the photographs, which were then passed around to each Panel Member and returned to the Applicant.

There is no provision which prohibits the distribution of additional material to the Panel by either the Applicant or a Representor and it is at the Panel's discretion as to whether the material is accepted in the context of the meeting.

- 6.2.4.2 Could the Management Team please advise if any current member of the DAP Panel visited Mrs Vinall individually other than the visit as part of the whole panel?

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

To the best knowledge of the writer, although not aware of all of the Panel Members' movements, it is understood that at least one member of the Development Assessment Panel may have previously visited Ms Vinall's property (some time ago, to view the previously approved dwelling extension to 70 Myrtle Road, Seacliff). However, to ensure a first-hand response, it is suggested that advice on this question be sought from the Panel itself.

- 6.2.4.3 If a Member or Members did visit Mrs Vinall, could the Management Team please advise if a conflict was advised?

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

One Panel Member declared a conflict of interest in relation to application 110/1154/07 at the Development Assessment Panel meeting held on 26 March 2008 and left the meeting for that item. The potential for similar conflict existing for other Panel Members was considered prior to the meeting, however it is understood that the remaining Members concluded that they did not have an interest in the matter which would affect their ability to consider the matter impartially and in accordance with the Panel's Code of Conduct.

For further information, Members are directed to the Panel's Code of Conduct which outlines the complaint procedure for allegations of breaches of the code.

7.	<b>REPORTS BY DELEGATES OR REPRESENTATIVES</b>	Nil
8.	<b>PETITIONS AND DEPUTATIONS</b>	Nil



**9. NOTICES OF MOTION****9.1 Rescission Motion**

In accordance with his notice:

**C080408/110 Councillor Huckstepp moved and Councillor Heysen seconded that the following resolution:**

*"EE250308/038 Councillor Bouchée moved and Councillor Lonie seconded that the Committee recommends:*

- 1. That Council proceeds to the Expression of Intent Phase of the Food to Green Organics pilot being conducted by Zero Waste SA.*
- 2. That the expected cost of undertaking the pilot, \$15,000 be funded through the Waste Management budget.*
- 3. That future associated costs with implementing this initiative across Council be incorporated into future budgets.*

*CARRIED"*

**be rescinded.**

**CARRIED**

**10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)  
(7:18PM)**

**Councillor Deakin moved and Councillor Norton seconded that Council stand adjourned to enable the permanent Strategy and Development Committee to meet.**

**CARRIED**

**11. RESUMPTION**

**Councillor Clancy moved and Councillor Beh seconded that Council resume at 7:50pm.**

**CARRIED**

**12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION****12.1 Strategy and Development Committee**

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

**Councillor van Camp moved and Councillor Looker 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**

**13. DEVELOPMENT ASSESSMENT PANEL**

**Councillor Clancy moved and Councillor van Camp seconded that the minutes of the Development Assessment Panel meeting held on Wednesday 26 March 2008 be received.**

**CARRIED****14. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES Nil****15. REPORTS OF REGIONAL SUBSIDIARIES Nil****16. REPORTS BY OFFICERS****16.1 Local Government Boundary Realignment – 116 Diagonal Road, Somerton Park (Report No: 147/08)**

The State Valuation Office has advised that a potential minor local government boundary realignment is appropriate at 116 Diagonal Road, Somerton Park, arising from the proposed development of the Allambi Nursing Home by Eldercare Incorporated.

**C080408/111 Councillor Clancy moved and Councillor Lonie seconded that Council prepare a joint submission with the City of Marion to the Boundary Adjustment Facilitation Panel to realign the boundary at 116 Diagonal Road, Somerton Park.**

**CARRIED****16.2 Person to Act in the Absence of the Chief Executive Officer (Report No: 150/08)**

Pursuant to Section 102(b) of the Local Government Act 1999, the Chief Executive Officer can appoint a suitable person to act in the office of Chief Executive in the absence of the Chief Executive Officer. The appointment requires prior consultation with the Council.

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

**C080408/112 Councillor Deakin moved and Councillor Clancy seconded that Council concurs with the appointment, as and when required, of one of the following senior officers:-**

- **Mr Ian Walker, Executive Manager, Finance and Corporate;**
  - **Ms Rebecca Thomas, General Manager Strategy and Development;**
- to act in the office of Chief Executive Officer during any periods of absence of the Chief Executive Officer.**

**CARRIED****16.3 Items in Brief (Report No: 146/08)**

Report No: 146/08 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C080408/113 Councillor Clancy moved and Councillor Lonie seconded that the report be noted and items of interest be discussed.**

**CARRIED**

**17. 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.

**18. URGENT BUSINESS****18.1 Affordable Housing**

**C080408/114** Councillor Clancy moved and Councillor Heysen seconded that Council's Administration meet with Housing SA representatives in relation to affordable housing opportunities in the City of Holdfast Bay and report Council on any outcomes.

**CARRIED****19. ITEMS IN CONFIDENCE****19.1 Confidential Property Discussion (Report No: 161/08)**

Council officers remaining: Mr Donaldson, Mr Millar , Mr Hodge, Mr Walker and Ms Thomas

**C080408/115** Councillor Clancy moved and Councillor Beh 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**

**Confidential Property Discussion (Report No: 161/08)**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C080408/117** Councillor Heysen moved and Councillor Looker 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 Confidential Property Investigation with the exception of Resolution No:C080408/115 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.

**19.2 Confidential Property Investigation (Report No: 162/08)**

**Council officers remaining: Mr Donaldson, Mr Millar , Mr Hodge, Mr Walker and Ms Thomas**

**C080408/118 Councillor Huckstepp moved and Councillor Clancy 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****Confidential Property Investigation (Report No: 161/08)**

The Chief Executive Officer tabled information regarding the Confidential Property Discussions which have been undertaken regarding the possible purchase of the Wallis Cinema site.

**C080408/119 Councillor Deakin moved and Councillor Clancy seconded that the Confidential Meeting notes be received and that Council takes no further action in this matter.**  
**CARRIED**

**ORDER NOT TO RETAIN DOCUMENTS IN CONFIDENCE**

**C080408/120 Councillor Beh moved and Councillor Heysen seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999 the Council orders that the documents and minutes relating to Confidential Property Investigation not be kept confidential and be made available for public inspection.**

**CARRIED****20. RESUMPTION**

**Councillor Clancy moved and Councillor Beh seconded that Council resume as an open meeting of Council at 8:22pm.**

**CARRIED****21. CLOSURE**

**The Meeting closed at 8:22pm.**

**CONFIRMED****Tuesday 22 April 2008****MAYOR**