

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 13 May 2008 at 7:00pm.

PRESENT

His Worship the Mayor
Deputy Mayor
Councillors

A K Rollond
R A Clancy
R D Beh
R M Bouchée
P N Crutchett
L R Fisk
P D H Heysen
J D Huckstepp
T D Looker
A C Norton
L van Camp
R T Donaldson
S Hodge
G Millar
R A Thomas
I S Walker

Chief Executive Officer
Acting General Manager Environment and Engineering
Acting 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 Councillor J L Deakin

2.2 Leave of Absence Councillor S C Lonie

3. PRESENTATION

His Worship the Mayor presented to Council a certificate of appreciation that he had received from the Rotary Club of Holdfast Bay at the completion of "The Shed" project at Kibby Avenue, Glenelg North.

4. CONFIRMATION OF MINUTES

Councillor Beh moved and Councillor Heysen seconded that the minutes of the Ordinary Meeting of Council held on 22 April 2008 be taken as read and confirmed.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S ACTIVITIES REPORT

Councillor Huckstepp moved and Councillor Heysen seconded that the report be received and noted.

CARRIED

6. QUESTIONS BY MEMBERS**6.1 Without Notice****6.1.1 Glenelg Town Hall Repairs**

Councillor Fisk asked a question regarding the status of Glenelg Town Hall repairs.

General Manager Strategy and Development provided a response.

6.1.2 Invitation to Deputy Prime Minister for Proclamation Day

Councillor Looker asked a question regarding the invitation to the Deputy Prime Minister to the Proclamation Day Celebrations.

The Chief Executive Officer provided a response.

6.1.3 Status of the Enterprise Bargaining Agreement

Councillor Bouchée asked a question regarding the status of the Enterprise Bargaining Agreement.

The Chief Executive Officer provided a response.

6.1.4 Transportable Building at Glenelg Oval

Councillor Crutchett asked a question regarding why urgent Administration approval for the transportable kiosk at Glenelg Oval was granted.

The Chief Executive Officer provided a response.

Councillor Bouchée asked a question regarding when Mayor Rollond was advised by the Glenelg Football Club of the transportable kiosk.

His Worship the Mayor provided a response.

Councillor Bouchée asked a question regarding the internal checking process undertaken by Administration regarding the approval of the transportable kiosk.

The Chief Executive Officer provided a response.

6.1.5 King Street Bridge Funding/Timing

Councillor Beh asked a question regarding the King Street Bridge and the funding/timing.

Acting General Manager Environment and Engineering provided a response.

6.2 With Notice

6.2.1 King Street Bridge

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

- 6.2.1.1 Accepting that the King Street Bridge is on a major thoroughfare and that the majority of users come from outside Holdfast Bay, can the Chief Executive Officer advise what action was taken to canvas support for grant applications from neighbouring councils and trusts and what were the results of such canvassing?

Acting General Manager Environment and Engineering response

As part of a coordinated plan to seek grant funding, nearby Councils and Trusts were approached for support. They in general offered in kind or moral support, but not financial support.

Letters of support were received from Adelaide Airport Limited, Adelaide Shores and the Member for Hindmarsh, Steve Georganas MP. The Western Adelaide Consultative has resolved as follows:

“That a letter be sent to the Department of Transport advising that the WACG supports the City of Holdfast Bay’s pursuit of State and Commonwealth funding for the King Street Bridge replacement, as an integral part of the local road network, public transport system and emergency services access network and that a copy of the correspondence be sent to Steve Georganas, MP for further support.”

- 6.2.1.2 Will the Chief Executive Officer please detail the nature and scope of current available grants for funding from all levels of government which may be applied for to help build the King Street Bridge?

Acting General Manager Environment and Engineering response

At present, based on the above coordinated approach to funding, there is limited scope for grant funding from all levels of government in Australia. An application has been lodged with the South Australian Local Government Association Special Local Roads Grants program. Federal funding is currently on hold pending a review, excepting R2R, funds which have been approved for the next 3 years for upgrading of Pier Street Glenelg. They equate to approximately \$300,000 per annum. Black Spot funding is available, but the King Street Bridge is not a classified Black Spot so does not qualify for funding.

- 6.2.1.3 As the King Street Bridge is on a major tourism route what opportunities have been investigated to seek grant funds from State Government Tourism related funds?

Acting General Manager Environment and Engineering response

None at this stage. It is understood that capital “tourism” funding is available in very small amounts relative to the King Street Bridge funding needs.

- 6.2.1.4 Will the Chief Executive Officer provide details of the recent application for Government funds including the size of the grant pool, what portion we have requested, and over what time frame and our likelihood of success?

Acting General Manager Environment and Engineering response

The recent application for Special Local Roads Program (SLRP) was for \$6.00m at \$2.00m per year for 3 years. This represents more than 50% of the pool available for 3 years. The assessment of the likelihood of success is quite low.

- 6.2.1.5 With costs in the building industry rising at a reported 6% pa on what basis has the estimate of \$7 million replacement cost been made and has this been adjusted to reflect rising costs especially if the project is not realised for a further 5 years?

Acting General Manager Environment and Engineering response

The current replacement cost has escalated as suggested at about 6% per year and is expected to continue doing so for the short to medium term. Current costs are in the order of \$7.0m to \$8.0m.

- 6.2.1.6 Will the CEO confirm that the application submitted was to the same fund that was previously unsuccessful?

Acting General Manager Environment and Engineering response

Yes, an application has been submitted an application to the SLRP, as it was last year. Last year the Administration also submitted an application to Aus Link Program, which was also unsuccessful.

- 6.2.1.7 What material differences are there in the new application as compared to the previous unsuccessful application?

Acting General Manager Environment and Engineering response

The SLRP request was for a lower amount per year over 3 years, with targeted content and letters of support from nearby entities, such as West Beach Trust, Adelaide Airport Limited and Steve Georganas MP, Member for Hindmarsh.

- 6.2.1.8 Will the Chief Executive Officer advise the name and qualifications of the consultant that Council engaged to prepared the application, and also confirm that this was the same consultant that prepared the previous unsuccessful application?

Acting General Manager Environment and Engineering response

The consultant engaged was Ms Janet Binder of Janet Binder Consulting Pty Ltd. Ms Binder has extensive experience in Local Government and public sector project management and strategic issues, including recent work on regional waste management and Holdfast Bay urban planning issues. The consultant was not involved in Council's previous submissions - these were prepared in-house.

- 6.2.1.9 Can the Chief Executive Officer advise the fees paid or due to the consultant on this occasion and the previous occasion for the preparation of grant applications?

Acting General Manager Environment and Engineering response

Approximately \$8000

6.2.1.10 Will the CEO advise when the Administration will provide the reports requested as per resolution EE280807/091, parts 2 and 3?

2. *That Administration reports on the option of having a single lane bridge with traffic lights controlling access each way i.e. any cost savings etc.*
3. *That Administration reports if and what would be required to control (block) access to the Glenelg North peninsula at Anderson Avenue, Glenelg North."*

Acting General Manager Environment and Engineering response

This will be addressed as part of major progress report to Council in the near future.

6.2.1.11 Will the Chief Executive Officer advise how and when the stakeholders have been informed about the options for the King Street Bridge, and who the Administration class as stakeholders to receive that information as required as per EE280807/091?

"That all stakeholders be informed that having carefully considered the full range of issues associated with the future of the King Street Bridge at Glenelg North, Council anticipates that unless substantial external funding can be achieved, the City of Holdfast Bay will be required to initiate the medium term functional downgrading and ultimate closure and removal of the King Street Bridge."

Acting General Manager Environment and Engineering response

Substantial media coverage has occurred regarding a variety of stakeholder views and responses to this scenario. Now that up to date structural reports are available these have been communicated to a number of Stakeholders and are available for public information. Additional media exposure is proposed in the Holdfast Bay Views and Guardian Messenger. Stakeholders include local residents and local business, State Government Ministers and Departments, neighbouring Councils and neighbouring facilities operators.

6.2.1.12 Will the Chief Executive Officer advise when the Administration obtained all available information from Department of Transport, Energy and Infrastructure (DTEI), and how that information differed from the information already in possession of the Administration as per EE280807/091 9?

Acting General Manager Environment and Engineering response

Subsequent to August 2007 DTEI officers have advised no additional information beyond that previously given is available. DTEI has previously advised they do not have any records regarding the King Street Bridge.

6.2.1.13 Will the CEO advise the progress on the preparation of the forward plan for the implementation of Local Area Management works as per EE280807/091 8, when it started and when it will be completed and whether the plan in fact includes the Traffic Impact Statement as per EE250308/035 2?

Acting General Manager Environment and Engineering response

The resolution reads:

"That Administration reports further on the development of a forward plan for the implementation of Local Area Traffic Management works when the King Street bridge is subject to either reduced load limits and/or removal of vehicular traffic."

The May 2008 Traffic Impact Statement may form a starting point for planning a LATM, but the LATM will vary depending on Council's decision on the future of

the bridge. No work is planned in the short term given the terms of Council's 22 April 2008 adjournment decision.

6.2.1.14 Will the Chief Executive Officer advise when the advice of the Finance department can be reasonably expected to be advise Council regarding EE280807/091 1?

"That Council will consider funding \$1.5m of the replacement cost for the King Street Bridge on the existing site subject to the balance of the funding coming from other sources. This \$1.5m funding to be either from a borrowing program or alternatively an allocation from consecutive budgets over the next five years following further advice from the Council's Finance Department".

Acting General Manager Environment and Engineering response

At this time no external funding has been confirmed. Either option remains available to council if external funding of approximately \$5.0m to \$6.0m becomes available. Confirmation of the most appropriate funding method for Council's share will occur at a later time, if and when required.

7. REPORTS BY DELEGATES OR REPRESENTATIVES

7.1 Delegate to NRM Council

Councillor Bouchée informed Members that as a member of the NRM Council she will be attending the Local Government Association Climate Change Summit, and asked that information about the Summit be circulated to all Members.

8. PETITIONS AND DEPUTATIONS

Nil

9. NOTICES OF MOTION

9.1 Bowker Street Oval

In accordance with his notice:

Councillor Looker moved and Councillor Beh seconded that Council initiate negotiations with the State Government to transfer the ownership by gift of the Bowker Street Reserve to the City of Holdfast Bay to enable it to be preserved in perpetuity as public open space.

LOST

Background.

The Bowker Street Reserve area was purchased by the State government in 1964 for £52,000 with the intent of constructing a new school.

In 1995 the Education Department decided that the land was 'surplus to requirements' and should be disposed of. The reserve by that time had become an integral part of the facilities need to run a large number of sporting activities as well as vital urban open space. At the time some 6,500 primary and lower secondary students used the oval for organised sport together with many other community groups.

The community responded to the idea of disposal with a petition attracting over 4000 signatures and the Government agreed to enter into a lease with the City of Brighton for an initial term of 20 years with a right of renewal for another 10. There are no guarantees after that date.

Within the area bounded by Oaklands Road in the north and City/Noarlunga railway line in the south and Diagonal road to the east, the amount of open space comprises just 2.4% of the area. Bowker Street Reserve is 65% of that.

In the 1930's the growing need for educational facilities was recognised by the Education Department and the City of Brighton. The parcel of land that is now Brighton Secondary School was gifted to the Education Department by Brighton Council enabling the school to be constructed in the 1950's. In 1995 the Brighton Secondary land was valued at \$4million and Bowker Street \$1.8million. Gifting Bowker Street Reserve to the City of Holdfast Bay is quite reasonable in the light of Council's significant contribution of land to the Government for Brighton Secondary.

Heavy usage of the area continues and it remains as a key facility for many local sporting groups as well as much loved and used public open space.

It is entirely reasonable that the current DECS gift the Bowker Street Reserve to Holdfast Bay Council in whose hands the land can be secured as community property and preserved in perpetuity free from the risk of sale.

9.2 Glenelg Underground Winter Market

In accordance with his notice Councillor Crutchett will move:

C130508/138

Councillor Crutchett moved and Councillor Bouchée seconded:

- 1. That Administration meet with Ezipark the operators of the Colley Terrace Underground Car Park to see if Council and Ezipark could work together to create a "Glenelg Underground Winter Market" on Sunday mornings from June to August.**
- 2. If Ezipark is interested that the Community Events Advisory Committee work out in conjunction with the Jetty Road Mainstreet Management Committee the operational issues and report back to Council.**

CARRIED

Background

There may be a window of opportunity to establish a winter underground market in Glenelg.

Most of Adelaide's Sunday markets are open air events and subject to weather conditions.

Glenelg has fewer visitors during winter and the use of the underground car park would also generate awareness of the existence of the car park for our summer visitors.

9.3 Opening Ceremony for Somerton Coast Park

In accordance with his notice Councillor Crutchett will move:

C130508/139

Councillor Crutchett moved and Councillor Bouchée seconded that Council invite the responsible Minister to participate in a small ceremony to mark the completion of Stage 1 of the Somerton Coast Park project, at the Yarrum Grove end.

CARRIED

Background

Some toddlers on bicycles and mums with prams would make a great launch of this section.

9.4 International Volleyball penalty based schedule for future events

In accordance with his notice:

Councillor Crutchett moved and Councillor Bouchée seconded that Administration request that the organisers of the International Volleyball at Glenelg to provide Council with a penalties based works schedule for setting up and removal of the Volleyball Stadium on the Plaza in front of the Glenelg Jetty, including a program for the full restoration of the grass areas.

**HIS WORSHIP THE MAYOR DECLARED THE MOTION A TIE
AND USED HIS CASTING VOTE AGAINST THE MOTION**

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

Background

The schedule is to provide 5 months prior to the next event to enable Council to determine whether the organisers can sufficiently reduce the disruption and degradation of the plaza area to allow the event to be staged on this area in front of the Glenelg Jetty or to determine if the event should be moved to the beach as originally planned.

Acting General Manager Social and Organisation comment

Administration has already commenced a review process which can and will include discussion on the event conditions, expectations and responsibilities of the organisers of the International Volleyball Tournament as part of any future continuation of this event. 2008 was the inaugural year of the tournament and many aspects were always going to be done on a "trial and error" basis as is the case with all such major events. It is in the interest of all parties to streamline the processes that lead into or out of any such event as time and changes cost money.

It should be noted that in the 2008 International Volleyball Event, Council committed to provide \$25,000 in cash and up to \$25,000 in-kind support for the event. As part of this in-kind support funds were included to allow Councils Depot staff to complete restoration works on effected grass areas, which is currently being addressed and other infrastructure affected by the event.

Several positive outcomes resulted from the staging of this event in its final location including identifying serious rust corrosion on the base of several light poles located in the plaza area between Moseley Square and the Glenelg Jetty.

9.5 Proposed Clause for Delegations

In accordance with her notice:

Councillor Bouchée moved and Councillor Fisk seconded that in the next review of the Councils Delegated Authority, a clause be included in all relevant sections preventing the engagement of previous council employees as consultants either individually or working for an external company for a period of two years from the date of final payment of entitlements.

AMENDMENT

C130508/140 Councillor Crutchett moved and Councillor Beh seconded that in the next review of the Councils Delegated Authority, a clause be included in all relevant sections preventing the engagement of previous council employees as consultants either individually or working for an external company for a period of two years from the date of final payment of entitlements with the provision that should the exceptional need arise, where the Chief Executive Officer sees it as essential to engage past staff which fall within this timeframe, prior permission of the Council must be sought.

CARRIED

THE AMENDMENT BECAME THE MOTION

A division was called.

Voted For

R D Beh
R M Bouchée
P N Crutchett
L R Fisk
P D H Heysen
J D Huckstepp
T D Looker

Voted Against

R A Clancy
A C Norton
L van Camp

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Background

These clauses specifically not exclude departing staff from reemployment as council employees in accordance normal budget considerations.

The CEO report on the best method to achieve this objective.”

Chief Executive Officers comment

Should Council resolve to adopt the procurement policy position outlined in this motion, it would be best reflected in the Contracts and Tenders Policy, which is reviewed and adopted by Council from time to time. Any exercise of delegated authority must be in accordance with legislation and Council's policies.

It is the Chief Executive Officer's opinion that the policy position proposed would neither add value to Council's procurement processes nor remove any existing procurement risk or inefficiency, but may ultimately constrain future procurement choices in ways that may not be foreseen at this time.

**10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(7:52PM)**

Councillor Beh moved and Councillor Fisk seconded that Council stand adjourned to enable the permanent Social and Organisation and Strategy and Development Committees to meet.

CARRIED

11. RESUMPTION

Councillor Heysen moved and Councillor Huckstepp seconded that Council resume at 8:47pm.

CARRIED

Councillor van Camp left the meeting at 8:47pm.

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION

12.1 Social and Organisation Committee

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

Councillor Heysen moved and Councillor Looker 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

12.2 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 Beh moved and Councillor Huckstepp 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 Heysen seconded that the minutes of the Development Assessment Panel meeting held on Wednesday 23 April 2008 be received.

CARRIED

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

Jetty Road Mainstreet Management Committee Meeting held 16 April 2008.

Audit Committee Meetings held 16 April 2008 and 30 April 2008.

Councillor van Camp rejoined the meeting at 8:49pm.

Councillor Beh moved and Councillor Heysen seconded that the minutes of these committees be received.

CARRIED

15. REPORTS OF REGIONAL SUBSIDIARIES

Nil

16. REPORTS BY OFFICERS**16.1 Adjourned Notice of Motion – New Year’s Eve Celebrations recommendations from Community Events Advisory Committee (Report No: 216/08)**

At the Community Events Advisory Committee meeting held on 6 May 2008 the Adjourned Notice of Motion for New Years Eve Celebrations in 2008 was considered.

The Community Events Advisory Committee has made recommendations for Council consideration regarding the New Year’s Eve celebrations.

Councillor Crutchett moved and Councillor Clancy seconded:

- 1. That Council’s Event Coordinator develop an Event Plan for a Community New Years Eve 2008/09 event with a maximum budget of \$85,000 to incorporate as many essential features that the budget will allow.**
- 2. That The New Years Eve Event Plan 2008/09 be of a minimalist approach and include investigating the staging of a Brighton family option as part of the Event Plan.**
- 3. That Council’s Event Coordinator report to a future meeting of the Community Events Advisory Committee on any risk analysis issues and the community benefits of a community based New Years Eve Event within a decreased budget.**

AMENDMENT

C130508/141 Councillor Looker moved and Councillor Beh seconded:

- 1. That Council’s Event Coordinator develop an Event Plan for a Community New Years Eve 2008/09 event with a maximum budget of \$85,000 to incorporate as many essential features that the budget will allow.**
- 2. That The New Years Eve Event Plan 2008/09 be of a minimalist approach and include investigating the staging of a Brighton family option as part of the Event Plan.**
- 3. That Council’s Event Coordinator report to a future meeting of the Community Events Advisory Committee on any risk analysis issues and the community benefits of a community based New Years Eve Event within a decreased budget.**
- 4. That Council seeks the \$25,000 contribution from the State Government towards its costs for the event.**

CARRIED

THE AMENDMENT BECAME THE MOTION AND WAS CARRIED

16.2 Items in Brief (Report No: 208/08)

Report No: 208/08 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

- C130508/142 Councillor Fisk moved and Councillor Beh seconded that the report be noted and items of interest be discussed.**

CARRIED

- C130508/143 Councillor Crutchett moved and Councillor Looker seconded that Councillor Bouchée be nominated to attend the Local Government Association Forum on Constitutional Recognition of Local Government on behalf of His Worship the Mayor on 13 June 2008.**

CARRIED

16.3 Nominations for Local Government Members of the Environmental Health Council (Report No: 193/08)

The Public and Environmental Health Council has written to the Local Government Association requesting nominations for a Local Government member and Deputy Member on the Public and Environmental Health Council. The period of appointment is for 3 years.

- C130508/144 Councillor Bouchée moved and Councillor Huckstepp seconded that Council nominate Councillors Mr J Coombe (Alexandrina) and Mr Robert Dunstone (Grant) to the Local Government Association of South Australia, to be considered for the position of Member and Deputy Member on the Public and Environmental Health Council.**

CARRIED

16.4 Elected Member Training – Request to attend (Report No: 209/08)

An Elected Member has expressed interest in attending the “Council Members Residential Program Module 1 and 2” being provided by the Local Government Association with Module 1 on 31 May and 1 June 2008 and Module 2 on 28 and 29 June 2008.

- C130508/145 Councillor Bouchée moved and Councillor Looker seconded that Council approves the attendance of any interested Elected Members at the “Council Members Residential Program Module 1” to be conducted on 31 May and 1 June 2008 and the “Council Members Residential Program Module 2” to be conducted on 28 and 29 June 2008 by the Local Government Association of South Australia.**

CARRIED

16.5 Council Member’s Superannuation Contributions (Report No: 210/08)

Council has received advice from the Local Government Association in Circular 12.12 regarding the Australian Taxation Office (ATO) Decision for the Assessability of Superannuation Contributions in relation to Council Members’ Allowances. Administration has sought legal advice regarding this matter from Wallmans Lawyers and this is presented for Members’ information.

- C130508/146 Councillor Looker moved and Councillor Bouchée seconded that the report including additional information tabled be received and noted.**

CARRIED

16.6 Draft 2008/2009 Annual Business Plan (Report No: 211/08)

The Draft 2008/09 Annual Business Plan is presented for endorsement and release for community consultation. Replacement pages with revised text content were noted by Elected Members.

C130508/147 Councillor Crutchett moved and Councillor Looker seconded:

1. That the Draft 2008/09 Annual Business Plan contained at Attachment 1 be endorsed for community consultation.
2. That the fees and charges contained at Attachment 2 be adopted as from 1 July 2008.
3. That the following process for community consultation on the Draft 2008/09 Annual Business Plan be adopted:
 - a. a community information session to be held at Brighton Civic Centre on the evening of Monday 19 May 2008;
 - b. an opportunity for members of the community to provide written submissions on or before 27 May 2008; and
 - c. an opportunity for members of the community to make a representation to Council at its meeting on 27 May 2008.

CARRIED**16.7 Audit Committee Report to Council (Report No: 212/08)**

Pursuant to its Terms of Reference the Audit Committee has reviewed its performance and presents its Report to Council.

C130508/148 Councillor Looker moved and Councillor Huckstepp seconded that the Audit Committee Report to Council April 2008 contained at Attachment 1 be received.**CARRIED****16.8 Council's Standing Committees Structure (Report No: 213/08)**

Forthcoming changes to the administrative organisation structure prompt the consideration of review of Council's Standing Committees structure to continue to optimise the alignment between the governance, policy and decision making activities of the Council and Committees, and the reporting and operational activities of the Administration.

Past practice has recognised the value of strong alignment between the Standing Committees and the administrative structure.

C130508/149 Councillor Crutchett moved and Councillor Bouchée seconded that the Standing Committees and meeting arrangements stay as is for the current term of Council, as resolved on 28 November 2006.

A division was called.

Voted For	Voted Against
R M Bouchée	R D Beh
P N Crutchett	R A Clancy
L R Fisk	P D H Heysen
J D Huckstepp	L van Camp
T D Looker	
A C Norton	

HIS WORSHIP THE MAYOR DECLARED THE MOTION 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 Leave of Absence**

Councillor Crutchett moved and Councillor Bouchée seconded that Councillor Deakin be granted a leave of absence for as long as required.

CARRIED

C130508/150 Councillor Clancy moved and Councillor Norton seconded that an appropriate gift and card be sent to Councillor Deakin on behalf of Elected Members.

CARRIED**19. ITEMS IN CONFIDENCE****19.1 Buckle Street Site (Report No: 196/08)**

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

C130508/151 Councillor Heysen 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

Buckle Street Site (Report No: 196/08)

Councillor Bouchée left the meeting at 9:30pm.

Councillor Crutchett left the meeting at 9:34pm.

Councillor Bouchée and Councillor Crutchett rejoined the meeting at 9:35pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C130508/155 Councillor Clancy moved and Councillor Heysen 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: 196/08 with the exception of Resolution No:C130508/151 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**19.4 Site Feasibility (Report No: 215/08)**

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

C130508/156 Councillor Heysen 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**Site Feasibility (Report No: 215/08)**

Councillor Fisk and Councillor van Camp left the meeting at 10:32pm.

Councillor Fisk and Councillor van Camp rejoined the meeting at 10:35pm.

Councillor Huckstepp left the meeting at 10:38pm.

Councillor Beh left the meeting at 10:40pm.

Councillor Huckstepp rejoined the meeting at 10:42pm.

Councillor Beh rejoined the meeting at 10:43pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C130508/159 Councillor Heysen moved and Councillor Bouchée 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: 215/08 with the exception of Resolution No: C130508/156 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 30 June 2009 by the Council.

CARRIED**19.5 Ombudsman Correspondence (Report No: 214/08)**

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

C130508/160 Councillor Beh moved and Councillor Heysen seconded that, pursuant to Section 90(2) and 90(3)(j) 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
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Ombudsman Correspondence (Report No: 214/08)

Councillor Clancy left the meeting at 11:00pm.

Councillor Norton left the meeting at 11:02pm.

Councillor Clancy rejoined the meeting at 11:04pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C130508/162 Councillor Huckstepp moved and Councillor Heysen seconded that pursuant to Section 90(2), 90(3)(j) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 214/08 with the exception of Resolution No: C130508/160 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) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and
 - (ii) would, on balance, be contrary to the public interest under Section 90 (2) and 90(3)(j) of the Act.
2. This resolution will be reviewed on or before 30 June 2009 by the Council.

CARRIED

19.6 King Street Bridge (Report No: 221/08)

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

C130508/163 Councillor Heysen moved and Councillor Huckstepp 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

King Street Bridge (Report No: 221/08)

Councillor Norton rejoined the meeting at 11:06pm.

Councillor Crutchett left the meeting at 11:07pm.

Councillor Crutchett rejoined the meeting at 11:09pm.

Councillor Bouchée left the meeting at 11:11pm.

Councillor Bouchée rejoined the meeting at 11:12pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C130508/166 Councillor Clancy moved and Councillor Heysen 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: 221/08 with the exception of Resolution No: C130508/163 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 30 June 2009 by the Council.

CARRIED

19.2 Annual Performance Review of the Chief Executive Officer (Report No: 194/08)

The Chief Executive Officer, Mr R Donaldson, declared a conflict of interest in Agenda Items 19.2 and 19.3 and left the meeting at 11:15pm.

Council officers remaining: Mr Walker

C130508/167 Councillor Heysen moved and Councillor Huckstepp 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

Annual Performance Review of the Chief Executive Officer (Report No: 194/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C130508/169 Councillor Beh moved and Councillor 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 relating to Report No: 194/08 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. That the minutes relating to Report No: 194/08 remain confidential until His Worship the Mayor has advised the Chief Executive Officer.

CARRIED

19.3 Chief Executive Officer's Employment Contract (Report No: 195/08)

Council officers remaining: Mr Walker

C130508/170 Councillor _____ moved and Councillor _____ 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

Chief Executive Officer's Employment Contract (Report No: 195/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C130508/173 Councillor Beh moved and Councillor Huckstepp 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: 195/08 with the exception of Resolution No: C130508/170 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 30 June 2009 by the Council.

CARRIED

20. RESUMPTION

Councillor Norton moved and Councillor Huckstepp seconded that Council resume as an open meeting of Council at 11:55pm.

CARRIED

21. CLOSURE

The Meeting closed at 11:55pm.

CONFIRMED

Tuesday 27 May 2008

MAYOR