

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 16 December 2008 at 7:01pm.

PRESENT

His Worship the Mayor
Deputy Mayor
Councillors

A K Rollond
T D Looker
R M Bouchée
R A Clancy
P N Crutchett – 7:05pm
J L Deakin
L R Fisk
P D H Heysen
J D Huckstepp
S C Lonie
A C Norton
L van Camp
R T Donaldson
I S Walker
R A Thomas
S G Hodge

Chief Executive Officer
General Manager Corporate Services
General Manager City Services
General Manager City Assets

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and an acknowledgement of Kaurna Traditional Owners at 7:01pm.

2. APOLOGIES

- | | | |
|-----|--|--------------------|
| 2.1 | For Absence | Councillor R D Beh |
| 2.2 | Leave of Absence | Nil |
| 2.3 | Absent without Apology or Leave | Nil |

3. ITEMS PRESENTED TO COUNCIL Nil

4. CONFIRMATION OF MINUTES

C161208/558 Councillor Clancy moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 25 November 2008 and the Special Meeting of Council held 9 December 2008 be taken as read and confirmed.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S ACTIVITIES REPORT

From 1 November 2008 to 30 November 2008

C161208/559 Councillor Fisk moved and Councillor Heysen seconded that the report be received and noted.

CARRIED

6. MAYORAL REPORT

From 1 November 2008 to 30 November 2008

C161208/560 Councillor Clancy moved and Councillor Huckstepp seconded that the report be received and noted.

CARRIED

7. QUESTIONS BY MEMBERS

7.1 Without Notice Nil

7.2 With Notice

7.2.1 Kaurna Native Title Claim Over Local Coastal Precinct

At the Council meeting held on Tuesday 25 November 2008 under "Urgent Business", Councillor Bouchée asked the following question:

Could the Administration please provide clarification regarding Indigenous access to the coast?

Manager Community Development, Mr Glen Millar's response

The Kaurna Native Title Claim is extensive and very complex covering both the traditional lands and an extended area of approximately one kilometre into the Gulf St. Vincent between Rapid Bay in the south to almost Port Wakefield in the north and currently is subject to a future Federal Court decision with its next directions hearing scheduled for 13 March 2009. The City of Holdfast Bay is a "registered party" to the Kaurna Peoples Native Title Claim and is represented by Norman Waterhouse Lawyers who provided its most recent update tabled to Council in October 2008 (refer Report No: 473/08).

Over the next few months the Native Title Tribunal has been set the task, by the Federal Court, of endeavouring to "identify by mapping or as it may otherwise consider appropriate those parts of the claim area in respect of which any native title rights or interests may have been extinguished or partially extinguished". The Tribunal is also required to review the extent to which their claimed interests may be able to be protected on "water license holders". Obviously there is no possible way of predicting what the Native Title Tribunal may find and report to the Federal Court, but Council will be informed by Norman Waterhouse Lawyers after the next hearing in March.

Council can only play its part in fulfilling its role in relation to the Native Title Act 1993 (Commonwealth) and the Aboriginal Heritage Act 1988 (SA) and to date legal advice suggests that where land is held by the Council under a Certificate of Title, native title will be deemed to be extinguished over that land and the provisions of the Native Title Act 1993 (Commonwealth) will not apply. It is unlikely that native title can revive in circumstances where land has been granted freehold. It has been suggested in a strict legal obligation Council is required to have regard when considering projects over land owned by Council to the relevant provisions of the Aboriginal Heritage Act 1988 (SA).

If "Crown Land" is involved then native title may apply and Council must not assume that native title has been extinguished and is required to follow the future act regime contained within the Native Title Act when undertaking any projects on Crown land with the potential to affect native title.

In the City of Holdfast Bay Crown land basically adjoins the coastal region and Council is required to consult with the authorised representatives of the Kurna Claimant Group in relation to projects on that Crown land and has obligations under the Native Title Act in respect to notification of works that may occur upon such Crown land. It is important for Council to know as much as possible about indigenous sites and issues within its area. Due to the complexity of both native title matters and issues relating to Aboriginal heritage, there is no one risk management technique that will ensure that Council is fully compliant with both Acts other than through open communication and liaison with any Aboriginal person, Kurna or otherwise.

8. REPORTS BY DELEGATES OR REPRESENTATIVES

8.1 Holdfast Bay History Centre Advisory Committee

Councillors Huckstepp and Lonie reported that they attended the meeting of the Holdfast Bay History Centre Advisory Committee meeting held 27 November 2008.

8.2 Annual General Meeting of the Seacliff Youth Club

His Worship the Mayor and Councillor Huckstepp reported their attendance at the Annual General Meeting of the Seacliff Youth Club on 28 November 2008.

8.3 Seacliff Surf Life Saving Club

Councillors Deakin, Huckstepp, Lonie and Norton reported their attendance at the Seacliff Surf Life Saving Club consultation regarding the Club's redevelopment, on 3 December 2008.

8.4 Environmental Advisory Committee

Councillors Bouchée , Huckstepp, Lonie and van Camp reported their attendance at the Environmental Advisory Committee meeting held 8 December 2008.

8.5 Holdfast Bay Community Centre

Councillor Looker reported that his attendance at the Holdfast Bay Community Centre meeting held 16 December 2008.

8.6 West Beach Trust

Councillor Deakin reported that he had been appointed by the Minister for Urban Development and Planning to the West Beach Trust.

8.7 Western Region Waste Management Authority

Councillor Bouchée reported on the current issues and work of the Western Region Waste Management Authority.

8.8 Supported Residential Facilities Advisory Committee

Councillor Heysen reported that he had been appointed to the Supported Residential Facilities Advisory Committee.

9. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

10. NOTICES OF MOTION**10.1 Amendment to Motion – Appointment of Deputy Mayor**

In accordance with his notice, Councillor Norton has given notice that he will move::

That Part 1 of the decision of 28 October 2008 (C281008/485):

“Councillor Fisk moved and Councillor Deakin seconded:

That Councillor Looker be appointed Deputy Mayor for the period of 1 December 2008 to 30 November 2009”

be amended as follows:

That:

- a. **Councillor Looker be appointed Deputy Mayor for the period of 1 December 2008 to 16 December 2008;**
- b. **Council appoints a Deputy Mayor for the period 17 December 2008 to 30 November 2009 by taking indicative votes to determine the preferred person, followed by a motion and resolution to appoint the Deputy Mayor;**
- c. **In the event of more than one candidate, the indicative vote be conducted using the “first pass the post” method based on a secret ballot, with a second indicative vote to be conducted to resolve a tie between equal highest votes and a name to be drawn at random from the tied candidates by the Chief Executive Officer in the event of a second tied vote; and**
- d. **The Chief Executive Officer appoints two officers as returning officers for the purposes of the indicative vote process.**

His Worship the Mayor advised that he believed that the motion was incapable of being put because a revocation of the existing Council resolution was required first. The meeting proceeded to the next item of business

10.2 Email Public Consultation System

In accordance with his notice:

C161208/561 Councillor Crutchett moved and Councillor Fisk seconded that Administration report on whether it is financially beneficial to consider an email public consultation system that could be used as a notification system for agenda item that need public consultation.

CARRIED

Background

Council is now required to consult by legislation on some very complex issues which are not easily described in a single sheet brochure.

It may be possible to expand the existing council ratepayer’s database to include an email address for a substantial amount of ratepayers/voters.

Such a data based could possibly data mined to highlight particular areas of interest, like “Whole of City”, “Ward issue” “street issue” or “suburb issue”

It could be done with a log in register system. The privacy issues would have to be addressed. The question will be if the cost of the technology is more than the savings.

**11. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(7:11PM)**

C161208/562 Councillor van Camp moved and Councillor Fisk seconded that Council stand adjourned to enable the permanent Social and Organisation, Strategy and Development, Economic and Corporate and Environment and Engineering Committees to meet.

CARRIED

Councillor van Camp left the meeting at 7:11pm.

Councillor van Camp rejoined the meeting at 7:11pm.

Councillor Clancy left the meeting at 8:24

Councillors Crutchett, Lonie and van Camp left the meeting at 8:26pm.

Councillor Bouchée left meeting at 8:27pm

12. RESUMPTION

C161208/563 Councillor Heysen moved and Councillor Fisk seconded that Council resume at 8:29pm.

CARRIED

13. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION

13.1 Social and Organisation Committee

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

C161208/564 Councillor Looker moved and Councillor Heysen 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

13.2 Strategy and Development Committee

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

C161208/565 Councillor Deakin 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

13.3 Economic and Corporate Committee

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

Councillors Bouchée, Clancy, Lonie and van Camp rejoined the meeting at 8:30pm.

C161208/566 Councillor Fisk moved and Councillor Heysen seconded:

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

CARRIED

13.4 Environment and Engineering Committee

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

C161208/567 Councillor Heysen moved and Councillor Huckstepp seconded:

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

CARRIED

14. DEVELOPMENT ASSESSMENT PANEL

C161208/568 Councillor Heysen moved and Councillor Deakin seconded that the minutes of the Development Assessment Panel meeting held on Wednesday, 26 November 2008 be received.

CARRIED

15. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES**15.1 Partridge House Advisory Committee**

Presented were the Minutes of the Meeting held 13 November 2008.

C161208/569 Councillor Fisk moved and Councillor Lonie seconded that the minutes of the Partridge House Advisory Committee meeting held 13 November 2008 be received and the recommendations adopted.

CARRIED

General Manager City Services, Ms Rebecca Thomas's, comment

Members will note that a number of resolutions within the 13 November 2008 Partridge House Advisory Committee minutes (namely Items 4.1, 4.3, 5.3 and 5.4) necessitate the expenditure of Council funds in order to action the resolutions. The financial consequences of these decisions have been considered by Administration, are consistent with proposed works planned for Partridge House and can be accommodated within existing budget lines allocated for repairs, maintenance and reserve improvements for the Partridge House site.

15.2 Arts Advisory Committee

Presented were the Minutes of the Meeting held 18 November 2008.

- C161208/570 Councillor Heysen moved and Councillor Norton seconded that the minutes of the Arts Advisory Committee meeting held 18 November 2008 be received and the recommendations adopted.**

CARRIED

General Manager City Services, Ms Rebecca Thomas's, comment

Item 8.2 of the 18 November 2008 Arts Advisory Committee meeting minutes refers to the establishment of a dedicated arts and cultural coordinator role within Council's Community Development Business Unit. Specifically it suggests Council revise the roles and responsibility of one of the Community Development Officer positions to better reflect the emphasis on arts and cultural development within Community Development.

While the general intent of the motion is recognised, it remains the role of the Chief Executive Officer to, amongst other things, manage the resources of the Council and give effect to human resource management principles.

Notwithstanding this, Members are advised that a review of the Community Development Business Unit structure, including the allocation of responsibilities between staff, has recently commenced and will continue into the new year. While an increased focus on art and culture may have merit following the further evolution of the Arts Advisory Committee and confirmation of Council's priorities with respect to arts and culture, a reallocation of the roles and responsibilities of staff within the Community Development Business Unit at this time would be premature, and may have undesirable and/or unforeseen consequences on the management of staff and the delivery of existing projects and programs.

16. REPORTS OF REGIONAL SUBSIDIARIES**16.1 Western Region Waste Management Authority**

Presented were the Minutes of the Meeting held 20 November 2008.

- C161208/571 Councillor Bouchée moved and Councillor Heysen seconded that the minutes of this subsidiary be received.**

CARRIED

17. REPORTS BY OFFICERS**17.1 Adjourned Item – [Report No: 527/08] Kingston Park Kiosk (Report No: 608/08)**

Council at its meeting held on 11 November 2008 resolved to adjourn consideration of Report No: 527/08 to allow staff to discuss possible future alternative Kiosk designs and redevelopment with Mr Kingston before further consideration by Council.

The matter is now presented for further consideration.

- C161208/572 Councillor Huckstepp moved and Councillor Heysen seconded that the report be received and the adjourned item [Report No: 527/08] Kingston Park Kiosk be reconsidered.**

CARRIED

- C161208/573** Councillor Huckstepp moved and Councillor Deakin seconded that the operator be advised that, subject to a satisfactory public consultation outcome, Council is prepared to enter into a new licence for the Kingston Park Kiosk premises for a period of 4 years, commencing on 1 June 2009, with the commencing rental to be determined to market by a suitably qualified valuer.

CARRIED

- 17.2 Elected Member Training – Request to Attend Six of the Best Seminar Series – Good Decision Making: What You Need to Know (Report No: 579/08)**

Elected Members have expressed interest in attending the “Six of the Best Seminar Series – Good Decision Making: what you need to know” being conducted by Wallmans Lawyers and the Local Government Managers Association (LGMA) as 6 modules commencing 6 February 2009 to 3 July 2009.

Councillor Deakin moved and Councillor Looker seconded that Council approves the attendance of His Worship the Mayor and two Councillors at the “Six of the Best Seminar Series – Good Decision Making: What you need to know” to be conducted over six modules commencing 6 February 2009 to 3 July 2009, and that if more than two Councillors are interested in attending, the names be chosen at random.

- C161208/574** Councillor Crutchett moved and Councillor Norton seconded that the matter be adjourned until Council’s January 2009 meeting for Administration to report on alternative relevant forms of training for Elected Members.

CARRIED

- 17.3 Minutes – Alwyndor Aged Care Management Committee, 17 November 2008 (Report No: 600/08)**

Alwyndor Management Committee (AMC) presents the minutes of meeting of 17 November 2008 for endorsement by Council, noting in particular, the Committee’s recommendation that the Terms of Reference of the AMC be amended to allow an honorarium (or allowance) to be paid to members of the AMC. The payment of an honorarium will continue to ensure that suitably experienced and qualified individuals are retained by the Management Committee. The current Terms of Reference are attached for Elected Member information.

Councillors Clancy and Heysen declared an interest in the following matter due to their membership of the Alwyndor Aged Care Management Committee and left the meeting at 8:43pm.

Councillor Huckstepp left and rejoined the meeting at 8:45pm.

- C161208/575** Councillor Bouchée moved and Councillor Lonie seconded:

- 1. That the minutes of Alwyndor Aged Care Management Committee are received and the following amendments to the Alwyndor Aged Care Management Committee “Terms of Reference” be adopted, namely:**

SECTION 8 – HONORARIUM

- 8.1 Management Committee Members, with the exception of City of Holdfast Bay Council Members, are entitled to an honorarium for their attendance at Management Committee meetings.**
- 8.2 The base rate (per Management Committee meeting) applicable will be determined by the Council annually in June and include a 40% loading when chairing Management Committee meetings.**
- 8.3 The total honorarium pool shall be capped at a level determined**

annually in June by the Council and reflected in the annual budget of Alwyndor Aged Care. The payment of the honorarium will temporarily cease should the prescribed cap be reached prior to the completion of any financial year, with members paid on a pro – rata basis in this circumstance.

- 8.4 Claims for payment of the honorarium, shall be based on a signed Record of Attendance Log maintained by the General Manager Alwyndor Aged Care –payable in January and July of each calendar year.
2. That the Management Committee meeting rate for the remainder of 2008/2009 be set at \$250 per meeting and \$350 per meeting for the Chairman of a meeting.

CARRIED

Councillors Clancy and Heysen rejoined the meeting at 8:48pm.

17.4 Items in Brief (Report No: 578/08)

Report No: 578/08 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

- C161208/576 Councillor Deakin moved and Councillor Huckstepp seconded that the report be noted and items of interest be discussed.**

CARRIED

17.5 Commonwealth Regional and Local Community Infrastructure Program - John Miller Reserve Exeloo and Seacliff Sports Club Upgrade (Report No: 609/08) – circulated under separate cover

Council has received advice that it will receive \$196,000 in funding from the Commonwealth Governments Regional and Local Community Infrastructure Program.

As part of the funding criteria Council must submit conforming project(s) by 30 January 2009

These projects should be additional and ready to proceed community infrastructure projects or for additional stages of projects that are already underway. Funds must be expended by 30 September 2009 to be compliant with the guidelines

- C161208/577 Councillor Heysen moved and Councillor Clancy seconded that the item be received.**

CARRIED

- C161208/578 Councillor Crutchett moved and Councillor Deakin seconded that the Regional and Local Community Infrastructure Program grant funding monies for 2008/2009 be used to:**

1. Replace the public toilet facilities at John Miller Reserve, Somerton Park with an exeloo toilet facility at an estimated cost of \$101,000.
2. Complete the upgrade of the Seacliff Sports club Clubrooms, Lipson Avenue, Seacliff including the removal of all identified asbestos at an estimated cost of \$95,000 and the budget previously allocated to this project be reallocated to other infrastructure renewal works at a future budget review.

CARRIED

17.6 Commonwealth Regional and Local Community Infrastructure Program - Glenelg Drainage Catchment Upgrade (Report No: 610/08) –circulated under separate cover

In addition to the \$196,000 Council is to receive through the first round of funding in this Commonwealth Govt initiative, a separate funding program was also announced whereby a further \$50 million will be allocated nationally for strategic infrastructure projects.

Council can apply for funding for one infrastructure project with a minimum value of a minimum \$2 million, and these projects will be assessed against the funding criteria, competing with every other submission on a national basis. Funding submissions for these strategic projects must be submitted by 23 December 2008 with announcement of successful projects by February 2009.

C161208/579 Councillor Heysen moved and Councillor Deakin seconded that the item be received.

CARRIED

C161208/580 Councillor Crutchett moved and Councillor Bouchée seconded that Administration submits a funding application to the Regional and Local Infrastructure program to implement the Glenelg Drainage Catchment Upgrade through “The Climate Change Adaptation and Flood Mitigation Drainage Project”, as described in Report No: 610/08.

CARRIED

18. 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.

19. URGENT BUSINESS

19.1 CEO Recruitment Committee

Councillor Lonie advised the meeting of her resignation from the CEO Recruitment Committee.

C161208/582 Councillor Deakin moved and Councillor Norton seconded:

- 1. That the first meeting of the CEO Recruitment Committee be held at 6.30pm on Tuesday 23 December 2008 with subsequent meetings to be determined by the committee.**
- 2. That Councillor van Camp be appointed Chair and Councillor Bouchée be appointed Deputy Chair of the CEO Recruitment Committee.**
- 3. That the draft terms of reference dated 16 December 2008 for the CEO Recruitment Committee be received and adopted.**

CARRIED

19.2 Legal Advice on Notice of Motion

Councillor Bouchée left the meeting at 9:20pm.

Councillor Bouchée rejoined the meeting at 9:21pm.

With the leave of the meeting:

- C161208/581 Councillor Deakin moved and Councillor Crutchett seconded that Administration obtain a legal opinion on the ruling by His Worship the Mayor, that Councillor Norton's notice of motion (Item 10.1 on the Agenda of the meeting of 16 December 2008) cannot proceed, i.e. can the matter be dealt with by way of an amendment to the existing resolution or must it be preceded by a rescission resolution.**

CARRIED

Councillor Norton sought and was granted leave of the meeting to make a personal explanation regarding Item 10.1 on the 16 December 2008 Council Agenda.

Councillor Norton made a personal explanation regarding the reasons for his Notice of Motion.

Councillor Looker sought and was granted leave of the meeting to make a personal explanation in response to Councillor Norton's explanation.

Councillor Looker made a personal explanation in response to Councillor Norton's personal explanation.

19.3 Citizenship Ceremonies

Councillor Bouchée brought to the attention of the meeting the fact that the City of Marion is not conducting Citizenship Ceremonies at this time and the demand that is being placed experienced as a result for attendance at the City of Holdfast Bay's Citizenship Ceremonies..

Councillor Crutchett left the meeting at 9:39pm.

19.4 Alwyndor Christmas Function

Councillor Bouchée expressed her disappointment that the Elected Members were not invited to the Alwyndor Christmas Function this year.

Councillor Crutchett rejoined the meeting 9:49pm.

20. ITEMS IN CONFIDENCE

20.1 Development Assessment Panel – Independent Member Appointments (Report No: 565/08)

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

- C161208/583 Councillor Clancy moved and Councillor Heysen 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

**Development Assessment Panel – Independent Member Appointments
(Report No: 565/08)**

At its meeting held on 14 October 2008, Council resolve to establish the Development Assessment Panel Independent Members Selection Committee to make a recommendation to Council on the preferred Independent Members and Independent Presiding Member candidates to serve on the Development Assessment Panel for Council's authorisation. Following a call for 'Expressions of Interest' published in 'The Advertiser', 'Guardian Messenger' and 'The Adelaide Review', Council received ten (10) written nominations for independent membership to its Development Assessment Panel. The Selection Committee subsequently met in confidence and selected four (4) Independent Panel members including the Presiding Member from the pool of applicants.

C161208/584 Councillor Clancy moved and Councillor van Camp seconded:

1. That in accordance with the recommendation of the Development Assessment Panel Independent Members Selection Committee, Graham Goss be appointed as Presiding Member and Jenny Newman, Nathan Sim, and Ivan Winter be appointed to serve as Independent Members on the City of Holdfast Bay Development Assessment Panel in accordance with the Code of Conduct and Terms of Reference for the Panel for a period of two (2) years from 1 January 2009.
2. That the Council adopts and releases from confidence the minutes of the Development Assessment Panel Independent Members Selection Committee held on 26 November 2008 and 2 December 2008, located at Attachments 1 and 2 of Report Number 565/08.
3. That an article be published in the Holdfast Bay Views and the local Messenger newspaper announcing the new composition of the City of Holdfast Bay Development Assessment Panel.

CARRIED

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C161208/585 Councillor Heysen moved and Councillor Clancy seconded that pursuant to Section 90(2), 90(3)(a) and 91(7) of the Local Government Act 1999:

1. The Council orders that Attachment 3 to Report No: 565/08, Development Assessment Panel – Independent Member Appointments, and the Agendas of the Development Assessment Panel Independent Members Selection Committee held on 26 November 2008 and 2 December 2008 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. The Council orders that the documents and minutes relating to Report No: 565/08, Development Assessment Panel – Independent Member Appointments, including Attachments 1 and 2 to Report No: 565/08 be released from Confidence
3. This resolution will be reviewed on or before 30 June 2009 by the Council

CARRIED

20.2 Minutes of the Southern Region Waste Resource Authority Meetings - October and November 2008 (Report No: 543/08)

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

C161208/586 Councillor Heysen moved and Councillor Bouchée seconded that, pursuant to Section 90(2) and 90(3)(d) of the Local Government Act 1999 the Council order that the public with the exception of Council officers and any other visitors permitted to remain, be excluded from attendance at the meeting, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- **commercial information of a confidential nature (not being a trade secret) the disclosure of which:**
 - (i) **could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and**
 - (ii) **would, on balance, be contrary to the public interest.**

CARRIED

Minutes of the Southern Region Waste Resource Authority Meetings - October and November 2008 (Report No: 543/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C161208/588 Councillor Bouchée moved and Councillor Clancy seconded that pursuant to Section 90(2), 90(3)(d) and 91(7) of the Local Government Act 1999:

1. **The Council orders that the documents and minutes relating to Report No: 543/08 with the exception of Resolution No: C161208/586 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:**
 - (i) **could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and**
 - (ii) **would, on balance, be contrary to the public interest under Section 90(2) and 90(3)(d) of the Act.**

2. **This resolution will be reviewed on or before 30 June 2009 by the Council.**
CARRIED

21. RESUMPTION

C161208/589 Councillor Clancy moved and Councillor Bouchée seconded that Council resume as an open meeting of Council at 9:45pm.

CARRIED

22. CLOSURE

The Meeting closed at 9:45pm.

CONFIRMED

Tuesday 20 January 2009

MAYOR