

**Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 10 July 2012 at 7:01pm.**

**MEMBERS PRESENT**

His Worship the Mayor, AK Rollond  
Deputy Mayor, RA Clancy  
Councillor RM Bouchée  
Councillor PW Dixon  
Councillor KM Donaldson  
Councillor LR Fisk  
Councillor SC Lonie  
Councillor TD Looker  
Councillor S Patterson  
Councillor RC Patton  
Councillor AP Roe  
Councillor LJ Yates

**STAFF IN ATTENDANCE**

Chief Executive Officer - JP Lynch  
General Manager City Assets - SG Hodge  
General Manager City Services - RA Cooper  
General Manager Corporate Services - IS Walker  
Manager Organisational Sustainability – PE Aukett

**APOLOGIES**

Apologies Received - Councillor JD Huckstepp  
Absent - Nil

**1. OPENING**

His Worship the Mayor declared the meeting open at 7.01pm.

**2. KAURNA ACKNOWLEDGEMENT**

With the opening of the meeting His Worship the Mayor stated:  
We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

**3. PRAYER**

His Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

**5. ITEMS PRESENTED TO COUNCIL - Nil****6. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**7. CONFIRMATION OF MINUTES****Motion****C100712/573**

**That the minutes of the Ordinary Meeting of Council held on 26 June 2012 be taken as read and confirmed.**

Moved by Councillor Clancy, Seconded by Councillor Lonie

**Carried****8. QUESTIONS BY MEMBERS**

8.1 **Without Notice - Nil**

8.2 **With Notice**

8.2.1 Questions on Notice – Rates Income and Expenditure by Ward – Councillor Bouchée (Report No: 235/12)

Councillor Bouchée asked the following questions:

1. **Could the Chief Executive Officer please advise the rate income for 2012/2013 as below:**
  - **Glenelg Ward - Residential, Retail, Industrial**
  - **Somerton Ward – Residential, Retail, Industrial**
  - **Brighton Ward – Residential, Retail, Industrial**
  - **Seacliff Ward – Residential, Retail, Industrial**
  
2. **Could the Chief Executive Officer please advise how much rate monies been expended 2011 – 2012 on open space in the wards as set out below?:**
  - **Glenelg Ward**
  - **Somerton Ward**
  - **Brighton Ward**
  - **Seacliff Ward**
  
3. **Could the Chief Executive Officer please advise how much monies has been generated by car parking fees/machines as set out below?:**
  - **Glenelg Ward**
  - **Somerton Ward**
  - **Brighton Ward**
  - **Seacliff Ward**

**Answer – Manager Finance**

1. General Rate Gross Income – not including rebates and concessions
  - Glenelg Ward
    - Residential - \$6,084,934
    - Commercial - \$2,094,256
    - Industrial - \$4,753
  - Somerton Ward
    - Residential - \$6,041,328
    - Commercial - \$362,186
    - Industrial - \$8,312
  - Brighton Ward
    - Residential - \$5,759,918
    - Commercial - \$674,680
    - Industrial - \$163,648
  - Seacliff Ward
    - Residential - \$5,392,095
    - Commercial - \$289,180
    - Industrial - \$7,248
2. 2011-12 Expenditure on open space.
  - Glenelg Ward – Operational \$624,171, Capital \$177,674 – Total \$801,845
  - Somerton Ward – Operational \$435,065, Capital \$98,248 – Total \$533,313
  - Brighton Ward – Operational \$378,490, Capital \$90,424 – Total \$468,914
  - Seacliff Ward – Operational \$476,054, Capital \$163,323 – Total \$639,377

Note: Generic operational cost centres have been apportioned using best estimates.
3. All car parking ticket machines are located in the Glenelg Ward. The total 2011-12 ticket machine income accounted for as at 2 July 2012 is \$940,796.

8.2.2 Questions on Notice - Glenelg Cinema and Car Park Proposal - Councillor Bouchée (Report No: 244/12)

Councillor Bouchée asked the following question:

1. **Could the Chief Executive Officer please advise what number of car parking spaces will be required for the proposed cinema?**
2. **Could the Chief Executive Officer please advise how many new car parks the developer Mr Taplin is proposing to provide?**
3. **Could the Chief Executive Officer please advise what councillors have met individually/group with the developer Mr Taplin prior to the public verbal presentation at council?**

**ANSWER – Manager Strategic Directions**

1. The District Centre Zone does not specify a ratio of parking for a cinema, nor does the Council's general parking provisions detailed in its Development Plan. The closest guide is the required ratios for a concert hall/meeting hall of one space per five seats. Assuming the final detailed design of the cinema provides 1000 seats then 200 car spaces may be required.

The Department of Planning Transport and Infrastructure's Planning Bulletin 'Parking provisions for selected land uses' recommends a ratio of between 1:3 and 1:4 (car spaces : seats).

In normal circumstances a developer would be required to meet parking ratios unless it could be demonstrated (through a report of a traffic consultant) that a lesser number of spaces was warranted. A lesser number of spaces could be appropriate when taking into account possible shared use arrangements and the interrelationship between peak demand times.

The Development Assessment Commission would be the relevant authority for assessing this development and will take into account a range of considerations in determining the final car spaces required.

2. The Taplin proposal guarantees the creation of no less than 135 additional spaces. It would be the responsibility of the developer to demonstrate to the Development Assessment Commission how demand would be met though the complementary demand peaks of the existing parking in the area.

The developer would also bear any additional costs associated with meeting the requirements of the Development Assessment Commission if, through the planning consent process, extra spaces are deemed to be required.

The Taplin Group has agreed to provide sufficient foundations and structural beams and columns to support a future additional deck on the proposed car park on Partridge Street east.

3. The Chief Executive Officer is not in a position to answer this question and the information would need to be furnished by each of the Elected Members.

## 9. MEMBER'S ACTIVITY REPORTS

Councillor Bouchee joined the chamber at 7.06pm.

### 9.1 Special Meeting of the Southern Region Waste Resource Authority

Councillor Yates reported that she attended a Special Meeting of the Southern Region Waste Resource Authority.

### 9.2 Western Region Waste Management Authority

Councillor Bouchee provided members on an update on Western Region Waste Management Authority activities.

## 10. PUBLIC PRESENTATIONS

- 10.1 Petitions - Nil
- 10.2 Presentations - Nil
- 10.3 Deputations - Nil

## 11. MOTIONS ON NOTICE

**C100712/574**

- 11.1 Rescission Motion regarding Proposed Cinema Development – Councillor Looker (Report No: 246/12)

### Motion

**The motion relating to the proposed cinema development resolved by Council at its meeting of 10 April 2012 (C100412/461) be rescinded.**

Moved Councillor Looker, Seconded Councillor Patterson

**Carried**

A division was called.

The previous decision was set aside.

Those voting for: Councillors Patton, Dixon, Patterson, Looker, Clancy, Donaldson, Lonie, Roe and Yates (9)

Those voting against: Councillors Fisk and Bouchee (2).

His Worship the Mayor declared the motion

**Carried**

### **BACKGROUND**

At the Council meeting of 10 April 2012 Councillor Bouchee moved and Councillor Roe seconded (C100412/461):

*“To continue discussions with Mr Andrew Taplin on his proposal for the development of a cinema complex over Council owned land at Cowper Street on the following basis:*

1. *That no commitment is to be entered into by any party negotiating for or on behalf of Council until Council has received, debated and agreed to a firm and detailed proposal and Council has authorised the issue of a letter agreeing to the lodgement of a detailed formal development application for its land;*
2. *That the land tenure arrangement be only a lease to Mr Taplin for no more than 21 years;*
3. *That the lease be conditional on the development being only for a cinema complex;*
4. *That there be no more than a 5% reduction in the number of car parks following the construction on the Western Side Development;*

5. *That all car parks be fully available for public use with no park available for more than two hours use at any time of the day;*
6. *That Council record in its annual report every year for the term of the lease the value of any assistance that is offered including any rental foregone;*
7. *That the administration fully reports back to a public Council meeting (not in confidence, except commercial items) before the end of June 2012 on the outcome of the discussions with a recommendation for future action including a full report on any financial or cost implications."*

The motion was carried.

At the Council meeting of 8 May 2012 Councillor Donaldson moved and Councillor seconded a motion (C080512/492) with four parts. The third part of the motion stated:

3. That resolution C100412/461 be placed on the Council Agenda for rescission at the Council meeting to be held on 12 June 2012 and if successful the following motion be put:
  - "3.1 *That subject to Council's favourable review of the prudential report, that a Heads of Agreement be drafted for Council's consideration regarding the proposal based on the following broad objectives:*
    - a. *A cinema complex is developed above the council owned land in the Partridge Street West/Cowper Street/Milton Street precinct.*
    - b. *The existing titles are amalgamated and community titles be established to reflect the ownership of the cinema building by the Taplin Group and the ground level car park by Council, subject to community consultation as required by the Local Government Act, 1999 with respect to Community Land.*
    - c. *The Taplin Group to demolish the Council owned buildings at 5 and 7 Partridge Street at its cost and convert into car parking spaces.*
    - d. *The Taplin Group to construct a decked car park, at its cost, on Council's Partridge Street east property with Council retaining ownership of the land and new decked car park.*
    - e. *Council to contribute the lesser of (i) \$2.5 million or (ii) cost of a decked car park less \$1.0 million; to City of Holdfast Bay 4336 Council Minutes 08/05/2012 the Taplin Group for the building a new decked car park.*
    - f. *The Taplin Group is to provide a minimum of 370 car spaces across both Partridge Street sites, or greater if required to do so to meet any development consent conditions.*
    - g. *The Taplin Group to undertake streetscape improvements surrounding the cinema complex*

*including undergrounding of high voltage power lines.*

- h. That advice be sought from the Integrated Design Commission at the commencement of, and throughout the project, to ensure that the best possible visual and urban design outcomes are achieved, in particular in respect to integrating the development with its surroundings, and ensuring easy access to and through the site for pedestrians.*
- i. Council to own and operate car parks and provide a minimum of four hours free parking to cinema patrons.*
- j. Taplin Group to provide minimum four hours free parking to the general public at the Bayside Village.*

3.2 *The Taplin Group be required to relocate the existing tenants of 5 and 7 Partridge Street to suitable premises within the Jetty Road Glenelg precinct for a period of no less than 12 months at no cost to the tenants."*

As the prudential review was not presented at the meeting on 12 June 2012, the rescission motion was not put to Council.

Rescission of the original motion of 10 April 2012 will enable Council to consider, without encumbrance, the report titled – 14.1 Cinema Complex and Car Park Proposal on 10 July 2012.

**12. ADJOURNED MATTER - Nil**

**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**

13.1 Minutes – Alwyndor Management Committee - 19 June 2012 (Report No: 236/12)

The Minutes of the Alwyndor Aged Care Management Committee for 19 June 2012 are provided for information.

**Motion**

**C100712/575**

**That the Minutes of the Alwyndor Aged Care Management Committee for 19 June 2012 be noted by Council.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

13.2 Minutes – Jetty Road Mainstreet Management Committee – Special Meeting – 13 June 2012 (Report No: 237/12)

The Jetty Road Mainstreet Management Committee (JRMMC) has been established to undertake work to benefit the traders on Jetty Road, Glenelg using the separate rate raised for this purpose.

The Minutes of the Jetty Road Mainstreet Management Committee special meeting held 13 June 2012 are attached and presented for Council's information.

**Motion**

**C100712/576**

**That the minutes of the Jetty Road Mainstreet Management Committee held on 13 June 2012 are received.**

Moved Councillor Patton, Seconded Councillor Fisk

**Carried**

**14. REPORTS BY OFFICERS**

**14.1 Cinema Complex and Car Park Proposal (Report No: 238/12)**

The Taplin Group has proposed a development of a cinema complex above the existing Council owned car parks on the western side of Partridge Street, Glenelg. This proposal would see the demolition of the buildings at 5 to 7 Partridge Street and the creation of a decked car park on the eastern side of Partridge Street to meet the additional parking demand generated by the cinema. Council's direct financial contribution to the proposal is approximately \$2.5 million.

**Motion**

**C100712/576**

- 1. That the Prudential Review for the 'Cinema and Car Parking Project' be accepted.**
- 2. That the Community Land revocation process, including public consultation, commence for the land over which the proposed cinema complex is to be constructed.**
- 3. That a Heads of Agreement be drafted for Council's consideration regarding the proposal based on the following broad objectives:**
  - a. a cinema complex is developed above the council owned land in the Partridge Street West/Cowper Street/Milton Street precinct;**
  - b. the existing titles are amalgamated and community titles be established to reflect the ownership of the cinema building by the Taplin Group and the ground level car park by Council, subject to community consultation as required by the *Local Government Act, 1999* with respect to Community Land;**
  - c. the Taplin Group to demolish the Council owned buildings at 5 and 7 Partridge Street at its cost and convert into car parking spaces;**



- d. the Taplin Group to construct a decked car park, at its cost, on Council's Partridge Street east property with Council retaining ownership of the land and new decked car park;
  - e. Council to contribute the lesser of (i) \$2.5 million or (ii) cost of a decked car park less \$1.0 million; to the Taplin Group for the building a new decked car park;
  - f. the Taplin Group is to provide a minimum of 370 car spaces across both Partridge Street sites, or greater if required to do so to meet any development consent conditions;
  - g. the Taplin Group to undertake streetscape improvements surrounding the cinema complex including undergrounding of high voltage power lines;
  - i. Council to own and operate car parks and provide a minimum of four hours free parking to cinema patrons;
  - h. that advice be sought from the Integrated Design Commission at the commencement of, and throughout the project, to ensure that the best possible visual and urban design outcomes are achieved, in particular in respect to integrating the development with its surroundings, and ensuring easy access to and through the site for pedestrians;
  - j. Taplin Group to provide minimum four hours free parking to the general public at the Bayside Village.
4. The Taplin Group be required to relocate the existing tenants of 5 and 7 Partridge Street to suitable premises within the Jetty Road Glenelg precinct for a period of no less than 12 months at no cost to the tenants.
  5. The Heads of Agreement be subject to a condition precedent that public consultation be undertaken and Ministerial approval be given for the revocation of Community Land status as required by the Local Government Act 1999 and a failure to obtain Ministerial approval will necessarily result in the abandonment of the proposal without any liability for the Council.
  6. The community title created for the cinema complex is limited to two metres higher than the maximum height of the proposed building.
  7. A further report be presented to Council after the Heads of Agreement has been drafted for Council's consideration prior to a commitment being made to proceed.

Moved Councillor Looker, Seconded Councillor Patton

**Carried**

A division was called.

The previous decision was set aside.

Those voting for: Councillors Patton, Dixon, Patterson, Looker, Clancy, Donaldson, Lonie, Roe and Yates (9)

Those voting against: Councillors Fisk and Bouchee (2).

His Worship the Mayor declared the motion

**Carried**

14.2 Items in Brief (Report No: 242/12)

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

**Motion**

**C100712/577**

**That the report be noted and items of interest discussed.**

Councillor Bouchee left the chamber at 8.04pm

Moved Councillor Fisk, Seconded Councillor Lonie

**Carried**

Councillor Bouchee rejoined the chamber at 8.05pm.

Councillor Donaldson left the chamber at 8.05pm.

Councillor Patton left the chamber at 8.06pm.

Councillor Donaldson rejoined the chamber at 8.07pm.

Councillor Patton rejoined the chamber at 8.09pm

14.3 Request for easement to ETSA Utilities for infrastructure associated with Sand Pumping Pipeline Brian Nadilo Reserve (Report No: 233/12)

The State Government has committed to the construction of a sand transfer pipeline system between Glenelg and Kingston Park to eliminate the ongoing need to transport sand to beaches by road each year. Because the proposed easements are located on three reserves that are Community Land, community consultation has been concluded in accordance with Section 194(2) of the Local Government Act (1999). After considering the submissions made by residents, this report seeks approval for the granting of an easement so that ETSA can install a transformer on the reserve in order to cater for the electrical requirements of the pumping station for the sand pipeline.

The submissions received didn't suggest an alternative location and as such the original location as proposed will be the preferred location.

The proposed location has been negotiated with ETSA as the most satisfactory location for both Council and ETSA.

**Motion**

**C100712/578**

**That Council approve the granting of an easement in the location shown on the attached plan (Attachment 1).**

Moved Councillor Clancy, Seconded Councillor Dixon

**Carried**

## 14.4 Smoke Free Legislation – Mosley Square Trial (Report No: 234/12)

Recently passed amendments to the *Tobacco Products Regulation Act 1997* (22 March 2012) means that smoking will be banned in certain public places such as children's playgrounds and tram and bus shelters. Councils and other incorporated bodies are also able to declare specified outdoor areas or events smoke-free. These laws came into effect on 31 May 2012. Smoking in any of the banned areas specified will be an offence, with a maximum penalty of \$200 or an expiation fee of \$75.

Council has the opportunity to declare areas or events in the City of Holdfast Bay smoke-free. This report considers the steps required to make such a declaration and seeks support to commence public consultation with the view to implementing a smoke free trial in Moseley Square, Glenelg.

**Motion****C100712/579****That Council:**

- 1. Endorses public consultation on the proposal to trial Moseley Square, Glenelg, as a smoke free zone**
- 2. Receives a further report on the results of the public consultation to determine whether to proceed to commence a no smoking trial in Moseley Square over a 12 month period.**

Moved Councillor Looker, Seconded Councillor Bouchee

**Carried**

Councillor Patterson and Dixon out at 8.32pm.

## 14.5 Development Act 1993 and Development Regulations 2008 – Review of Delegations (Report No: 243/12)

This report seeks Council's authorisation to assign the delegations under the Development Act 1993 and the Development Regulations 2008, as required on an annual basis, to pass certain powers to the Development Assessment Panel and/or to the Chief Executive Officer, and to reflect changes to the legislation over the past year.

**Motion****C100712/580**

- 1. That in response to changes to the Development Act 1993 and the Development Regulations 2008, Council having reviewed its delegations under the Development Act 1993 and Development Regulations 2008:**
  - 1.1. hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the Development Act 1993 and Development Regulations 2008;**

- 1.2. hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and the Development Regulations 2008**
- 2. In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 10 July 2012 and marked Appendix A) are hereby delegated this 10<sup>th</sup> day of July 2012 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.:**
- 3. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.**
- 4. In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 10 July 2012 and marked Appendix A) and which are specified below are hereby delegated to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.**
- 4.1**
- | <b>Section</b> | <b>Heading</b>   |
|----------------|--|
| <b>1</b>       | <b>Concept of Change in the Use of Land</b>                      |
| <b>10</b>      | <b>Matters Against Which Development Must be Assessed</b>        |
| <b>14</b>      | <b>Consultation With Other Authorities or Agencies</b>           |
| <b>16</b>      | <b>Proposed Development Involving Creation of Fortifications</b> |
| <b>17</b>      | <b>Public Notice and Consultation</b>                            |
| <b>18</b>      | <b>Application and Provision of Information</b>                  |
| <b>19</b>      | <b>Determination of Application</b>                              |
| <b>20</b>      | <b>Time Within Which Decision Must be Made</b>                   |
| <b>21</b>      | <b>Conditions</b>  |
| <b>22</b>      | <b>Cancellation by a Relevant Authority</b>                      |
| <b>23</b>      | <b>Investigation of Development Assessment Performance</b>       |
| <b>24</b>      | <b>Crown Development and Public Infrastructure</b>               |
| <b>26</b>      | <b>Open Space Contribution System</b>                            |
| <b>27</b>      | <b>Carparking Fund</b>   |
| <b>28</b>      | <b>Urban Trees Fund</b>  |

**38 Land Management Agreements**  
**39 Land Management Agreements Development Applications**

Moved Councillor Fisk, Seconded Councillor Clancy

**Carried**

**15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

**16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

16.1 Bay Sheffield

Councillor Dixon rejoined the chamber at 8.34pm.

His Worship the Mayor asked for feedback regarding the reduction in sponsorship for the Bay Sheffield event.

Councillor Patterson rejoined the chamber at 8.37pm.

Councillor Clancy left the chamber at 8.42pm.

**17. ITEMS IN CONFIDENCE**

Councillor Clancy rejoined the chamber at 8.45pm.

17.1 Liberty Towers Outstanding Encroachment Fee (Report No: 240/12)

**Motion**

**C100712/581**

- 1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.**
- 2. That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:**
  - i. information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried**

Staff in Attendance: Chief Executive Officer JP Lynch, General Manager City Assets, SG Hodge, General Manager City Services RA Cooper, General Manager Corporate Services, IS Walker, Manager Organisational Sustainability, PE Aukett, Manager Development Assessment, A Marroncelli, Manager Strategic Directions M Buckerfield, Manager Community Engagement, M

Berghius, Manager Business and Visitor Marketing, A Thomson, Manager Assets and Public Spaces, P Smith, Communications Coordinator, K Higgins, Governance Officer, W Matthews

Councillor Lonie left the chamber at 8.49pm.

Councillor Lonie rejoined the chamber at 8.50pm

### **Order to Retain Documents in Confidence**

#### **Motion**

**C100712/583**

1. **That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 240/12 including:**

- **Report**
- **Attachments**
- **Minutes**

**relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(i).**

2. **That this resolution will be reviewed by the Chief Executive Officer following a signed settlement by all parties and released from confidence if not prevented by the deed.**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried**

- 17.2 Authority to Sign a Deed to Resolve an Appeal in the Supreme Court of South Australia (Report No: 241/12)

#### **Motion**

**C100712/584**

1. **That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.**

2. **That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:**

- i. **information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.**

Moved Councillor Lonie, Seconded Councillor Donaldson

**Carried**

Council Staff in Attendance: Chief Executive Officer JP Lynch, General Manager City Assets, SG Hodge, General Manager City Services RA Cooper, General Manager Corporate Services, IS Walker, Manager Organisational Sustainability, PE Aukett, Manager Development Assessment, A Marroncelli, Manager Strategic Directions M Buckerfield, Manager Community Engagement, M Berghius, Manager Business and Visitor Marketing, A Thomson, Manager Assets and Public Spaces, P Smith, Communications Coordinator, K Higgins, Governance Officer, W Matthews

Authority to Sign a Deed to Resolve an Appeal in the Supreme Court of South Australia (Report No: 241/12)

Councillor Dixon left the chamber at 9.15pm.

### **Order to Retain Documents in Confidence**

#### **Motion**

**C100712/586**

1. **That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 240/12 including:**
  - **Report**
  - **Attachments**
  - **Minutes****relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(i).**
2. **That this resolution will be reviewed by the Chief Executive Officer following a signed settlement by all parties and released from confidence if not prevented by the deed.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

- 17.3 Library and Bay Discovery Centre Redevelopment Concept Plans (Report No: 239/12)

Councillor Roe left the chamber at 9.16pm.

#### **Motion**

**C100712/587**

1. **That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.**
2. **That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:**

- d. **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 and the benefit or detriment to a third party in the matter of Library and Bay Discovery Centre Redevelopment Concept Plans (Report No: 239/12) outweighs the public interest at this time.**

Moved Councillor Lonie, Seconded Councillor Bouchee

**Carried**

Council Staff in Attendance: Chief Executive Officer JP Lynch, General Manager City Assets, SG Hodge, General Manager City Services RA Cooper, General Manager Corporate Services, IS Walker, Manager Organisational Sustainability, PE Aukett, Manager Development Assessment, A Marroncelli, Manager Strategic Directions M Buckerfield, Manager Community Engagement, M Berghius, Manager Business and Visitor Marketing, A Thomson, Manager Assets and Public Spaces, P Smith, Communications Coordinator, K Higgins, Governance Officer, W Matthews

Library and Bay Discovery Centre Redevelopment Concept Plans (Report No: 239/12)

The purpose of this report is to present Council with the outcomes of the preliminary concept designs as part of the Library redevelopment project and the Bay Discovery Centre Review. These concept designs outline the potential options for both the Brighton and Glenelg Libraries as well as an alternative option to relocate the Glenelg Library into the Glenelg Town Hall building to create the Glenelg Community Cultural Hub. This report also includes the results of the commercial analysis of the existing Glenelg Library building and funding options for the redevelopment of recommended options.

The concept plans provide indicative design options for redevelopment of the libraries and, in the case of Glenelg Town Hall, additionally provide for a reconsideration of the Bay Discovery Centre. The report includes an assessment of each option based on feasibility and current and future best value in terms of both social and financial sustainability. The recommendation of the report is to continue with the next stage of redevelopment for the Brighton Library and Glenelg Town Hall options, with the existing Glenelg site considered unsuitable for future library operations.

**Motion**

**C100712/588**

**That:**

- 1. The proposed concept plans for the redevelopment of Brighton Library and Glenelg Town Hall be endorsed to allow for the next stage of community engagement to be undertaken.**
- 2. A further report to be presented to Council outlining the findings of community consultation, finalisation of the concept plans and**



**recommendation of the next stage of this project, including detailed design and proposed funding model.**

Councillor Roe rejoined the chamber at 9.18pm.

Moved Councillor Lonie, Seconded Councillor Donaldson

**Carried**

**Order to Retain Documents in Confidence**

**Motion**

**C100712/589**

1. That the minutes relating to Report No: 239/12 be released from confidence.
2. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 239/12 including:
  - Report
  - Attachmentsrelating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(d).
2. That this resolution will be released from confidence once the lessee is advised of the development proposal.

Moved Councillor Lonie, Seconded Councillor Donaldson

**Carried**

**CLOSURE**

The Meeting closed at 9.26 pm.

**CONFIRMED 24 July 2012**

**MAYOR**