

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 11 June 2013 at 7:02pm.

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 JD Huckstepp
Councillor SC Lonie
Councillor TD Looker
Councillor S Patterson
Councillor RC Patton
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

1. OPENING

His Worship the Mayor declared the meeting open at 7.02pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting His Worship the Mayor stated:
We acknowledge Kaurna 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 Kaurna 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.

4. APOLOGIES

- 4.1 Apologies Received - Councillor AP Roe
- 4.2 Absent – Nil

5. ITEMS PRESENTED TO COUNCIL**5.1 Framed Prints**

Council has received framed prints from the Bay Sheffield and the City to Bay Fun Run in appreciation of our support.

5.2 IPWEA – 2013 Excellence Awards

Council has received a 2013 Excellence Award from IPWEA SA Division for Holding Back the Flood project in conjunction with the City of Marion and Tonkin Consulting.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****C110613/944**

That the minutes of the Ordinary Meeting of Council held on 28 May 2013 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Huckstepp

Carried**8. QUESTIONS BY MEMBERS****8.1 Without Notice****8.1.1 Stormwater Partnership – Councillor Bouchee**

Councillor Bouchee asked a question regarding the Stormwater Partnership with the City of Marion.

The General Manager City Assets, Mr S Hodge provided a response.

8.1.2 SANFL Home Games – Glenelg Oval – Councillor Looker

Councillor Looker asked a question regarding the attendance of Council guests at the Glenelg Home games.

The Chief Executive Officer, Mr J Lynch provided a response.

8.2 With Notice

8.2.1 Question with Notice – Vaccinations (Report No: 206/13)

Councillor Looker asked the following question:

“Can administration confirm local statistics and what steps can be taken to further promote this vital public health issue?”

Background

Recent news reports identified the City of Holdfast Bay as below the national average percentage for vaccinations. Anti vaccination groups have been spreading misleading information and in some parts of the country this has had a negative impact, increasing infection rates, child mortality and endangering the wider community.

ANSWER – Environmental Health Officer

The National Statistics were recently released and Holdfast Bay was slightly lower than nationally as reported. There is compelling research which shows that the wealthier and the poorer areas have lower vaccination rates Australia wide. The wealthier and poorer areas in South Australia and Nationally were also slightly lower - Holdfast were not the lowest. The reason for each demographic are very different. See the hyperlink below

<http://www.smh.com.au/comment/when-first-world-problems-get-in-the-way-of-common-sense-20130410-2hlt1.html>

In response to this information, Holdfast’s health department evaluated the statistics Australia wide and identified similar affluent areas also had lower vaccination rates. The reason for this sudden increase could be due to the acceleration in the use of social media which has provided a more compelling platform for anti-vaccination groups. Holdfast’s strategy to overcome this is to engage our social media team and the media to promote the benefits and to continue to advertise the high standard of service offered. Finally, we don’t believe the decline is due to the service provided at Holdfast as we service many from the Marion Region and the feedback from clients is always positive. We have also received comments from these clients that they come to Holdfast because they are not happy with the service at Marion.

8.2.2 Question with Notice – Brighton Caravan Park (Report No: 211/13)

Councillor Bouchee asked the following question:

- 1. If the verbal offer (i.e. the award of the tender) was made prior to 7.00pm on Tuesday 28 May, who instructed Councillor***

Huckstepp that he was required to maintain confidentiality and for what period?

2. ***Who advised the tender committee on the contractual obligations of Council in making a verbal offer when the finalisation of the contractual arrangements were incomplete?***
3. ***When did Council make the verbal offer to Free-Spirit?***
4. ***Did they accept verbally? If so, at what time?***
5. ***Did Council send the award advice by email? Or was the verbal treated as sufficient?***
6. ***Were the press releases by Council and Free spirit agreed by email?***
7. ***If so when was the content agreed? The time of the Council advice to the Guardian was 2.06 pm on Wednesday 29 May.***
8. ***When did "finalising the contractual arrangements" begin?***
9. ***When are they expected to finish?***
10. ***When will the Free spirit tender information be made available to Council and the community, covering projected income and expenditure, refurbishment capabilities, and the redevelopment and upgrade of the caravan park?***
11. ***Was due process followed throughout the tender negotiations in accordance with Council's Procurement (Contracts & Tendering) Policy.***

ANSWER – Manager Organisational Sustainability

1. The verbal offer was made to FreeSpirit Resort and Holiday Park Management was made at approximately 5.00pm on Monday 27 May 2013, immediately after a meeting with the CEO. Councillor Huckstepp as a member of the Tender Evaluation Panel has a duty to maintain confidentiality regarding all of the tender submissions he reviewed even after the announcement of the successful proponents was announced. This requirement for confidentiality is enduring.
2. There was no such advice given. The Tender Evaluation Panel's role concluded once the tender process identified the preferred supplier.

3. FreeSpirit Resort and Holiday Park Management was informed that their proposal was accepted, subject to conditions, at approximately 5.00pm on Monday 27 May 2013.
4. Not applicable.
5. A letter was sent to confirm the verbal notice on Tuesday 28 May 2013. Letters to unsuccessful proponents were sent the same day.
6. Council's Corporate Communications and Media Coordinator worked with FreeSpirit Resort and Holiday Park Management on Tuesday 28 May 2013 and Wednesday 29 May 2013 prior to the media release at 2.06pm on Wednesday 29 May 2013.
7. FreeSpirit Resort and Holiday Park Management sent information to the Corporate Communications and Media Coordinator for inclusion in the Council's media release and were sent a draft for their information, on Tuesday 28 May 2013 and Wednesday 29 May 2013.
8. They have not been finalised, formal negotiations commenced Tuesday 4 June 2013.
9. We anticipate that they will be finished in the next fortnight.
10. The tender information will be retained as commercial in confidence and will not be available to the public for inspection. Elected Members may view the information but they will be required to complete the necessary non-disclosure agreements which are used as part of the tender evaluation process.
11. Yes.

9. MEMBER'S ACTIVITY REPORTS

9.1 Waste Management Tour - Wingfield

Councillor Yates reported that she attended the Waste Management Tour at the Wingfield Site.

10. PUBLIC PRESENTATIONS

10.1 Petitions - Nil

10.2 Presentation

10.2.1 Representation Review

Following the conclusion of the public consultation on the Representation Review an opportunity was provided to community members who commented on the proposal to be heard by Council. Each representation was allowed five minutes to address the Council.

No community members attended to make a representation to Council.

10.3 **Deputations** - Nil

11. MOTIONS ON NOTICE

11.1 **Motion on Notice – Unsolicited Proposals – Councillor Fisk** (Report No: 210/13)

Motion

That the City of Holdfast Bay ask an commercial legal firm/accounting consultancy prepares a report, for Council’s consideration, recommending a robust and auditable process for the consideration of any unsolicited proposals seeking to use or, otherwise occupy, a Council asset to ensure that the outcome of the proposal maximises return to the community and that any such process will fully comply with the requirements of State Statute including the Local Government Act 1999 and the Independent Commission Against Corruption Act 2012.

Moved Councillor Fisk, Seconded Councillor Bouchee

Lost

Division called

A division was called:

Those voting for: Councillors Fisk, Bouchee and Patterson (3)

Those voting against: Councillors Patton, Dixon, Looker, Clancy, Donaldson, Lonie, Huckstepp and Yates (8).

His Worship the Mayor declared the motion

Lost

Background from Councillor Fisk

As a preliminary guide a three step process, shown below, is suggested and based on the process adopted in New South Wales, which has more than 20 years’ experience with oversight by an ICAC, but has, even so, had some significant tribulations in getting to a process that now seems robust.

Unsolicited Proposals Process

Stage 1 – Initial submission and strategic assessment: a comprehensive initial assessment of the proposal to identify the potential benefit to Council of further consideration and development with the proponent. The outcome is advice to the proponent of progression to Stage 2, or that the Council does not wish to proceed.

Stage 2 – Detailed proposal: requires the proponent and Council to work cooperatively in the development and assessment of a detailed proposal. The outcome is advice to the proponent of progression to Stage 3, or that the Council does not wish to proceed.

Stage 3 – Negotiation of final binding offer: involves the finalisation of all outstanding issues with a view to entering into a binding agreement, if the Council decides to accept the final offer.

Supporting Information

I believe that we as Councillors need to keep ourselves abreast of development in other Councils, other areas of our State and in other States and jurisdictions with similar statutes to ensure that our processes are continually updated and refreshed to be as robust as is practicable.

Many governments, including the South Australian Government, have adopted clear processes for the consideration and potential acceptance or, rejection, of unsolicited proposals. These processes are designed to ensure that there is equity of treatment of potential proponents and that an unfair advantage does not accrue to an early mover with one proposal at the expense of a later proponent with a proposal that may offer better outcomes to the community.

This is particularly where there is a scarce resource at stake and potentially high opportunity costs if a quick and ill-considered early proposal precludes a better proposal at a later date. That is, the opportunity costs of an ill-considered proposal are high. This particularly applies where Council land and/or, other assets, are the subject of the unsolicited proposal.

This Council has itself experienced the effects of a truncated process in the Holdfast Shores development, in that while the development has considerable merit who is to know that it was the best outcome for the city (because that was not tested) and that a better development could not have been produced for the estimated \$20 million plus of assets that the Council contributed to the development in the form of land.

This is obviously now the case with the lock and its gates which are clearly suboptimal.

With the shortly to be implemented ICAC legislation, the City of Holdfast Bay needs to have in place robust auditable and transparent processes that ensure that any consideration of any unsolicited proposal will lead to the best possible outcome for the city when Council assets are likely to be involved. The only way to ensure that a proposal will produce the best possible outcome is to ensure that the processes are robust and auditable, independent of any political influence and therefore at arms-length from the Council where practicable, and likely to withstand any future scrutiny. Wherever possible these processes should reflect a market mechanism

which tests proposals in a blind and objective manner. In many cases the objective test is best achieved by actually going to the market to seek competitive bids for a proposition (see the example below).

One recent public domain example is the following copy of a press release: (note market testing and the first dot-point that requires the proponent to undertake the requisite development of the site and that its use be as agreed for at least 15 years).

Wednesday 29 May 2013

“Sale of Queen Mary Building Moves to Stage 3

NSW Premier Barry O’Farrell today announced an unsolicited proposal from Sydney University to acquire the vacant Queen Mary Building on the Royal Prince Alfred Hospital Campus had moved to Stage 3 consideration.

Under the proposal, the QMB will be purchased by the university for \$27 million excluding GST, and be developed for affordable student accommodation.

“The Queen Mary Building has been sitting vacant since 2002 – under this proposal the University will develop the property and put it back into use for student accommodation,” Mr O’Farrell said.

“Should the deal be finalised, the NSW Government will reinvest the proceeds in the Missenden Mental Health Unit development at RPA, while it also allows us to meet our objective of increasing the supply of affordable student accommodation near our world-class inner-city universities.

“The university proposes to deliver about 750 beds at QMB – a significant boost for the State’s multi-billion dollar tertiary education market.

“The agreed price exceeds the NSW Government’s reserve so taxpayers will get a return on a building which should never have been allowed to sit vacant for so long.”

On 4 December 2012 the NSW Government announced that Sydney University, UTS and University of Notre Dame Australia had been invited to tender for the QMB, to develop the building for affordable student accommodation. The University of Sydney was the only invited University to indicate its interest in pursuing the opportunity.

On 21 December 2012 the University of Sydney was advised that the Government had approved the progress of the University’s proposal to Stage 2 of the Unsolicited Proposals process.

The University was invited to develop a detailed proposal for the purchase of the property having regard to the Government’s specific conditions, including:

- *the development and use of the building for affordable student housing for a minimum period of 15 years*
- *a demonstrated affordable rent and pastoral care model*
- *the purchase offer meeting or exceeding the Government's price reserve.*

The proposal will now progress to Stage 3 of the Unsolicited Proposal process, which will involve the NSW Government entering into a binding contract with the University to purchase the building at the nominated price.

The contract and related arrangements will ensure that the property is developed and used for student accommodation and that it is provided at an affordable rental rate for a minimum period of 15 years.

Unsolicited Proposals Process

Stage 1 – *Initial submission and strategic assessment: a comprehensive initial assessment of the proposal to identify the potential benefit to government of further consideration and development with the proponent. The outcome is advice to the proponent of progression to Stage 2, or that the government does not wish to proceed.*

Stage 2 – *Detailed proposal: requires the proponent and government to work cooperatively in the development and assessment of a detailed proposal. The outcome is advice to the proponent of progression to Stage 3, or that the government does not wish to proceed.*

Stage 3 – *Negotiation of final binding offer: involves the finalisation of all outstanding issues with a view to entering into a binding agreement, if the government decides to accept the final offer.*

Full details can be found at: <http://www.nsw.gov.au/unsolicitedproposals>”

12. **ADJOURNED MATTER** - Nil
13. **REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL** - Nil
14. **REPORTS BY OFFICERS**
 - 14.1 **Items in Brief** (Report No: 190/13)

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**C110613/945****That the report be noted and items of interest discussed.**

Moved Councillor Bouchee, Seconded Councillor Yates

Carried**14.2 Mint on Moseley – Application for Variation of Trial Liquor Licence (Report No: 187)**

The licensee of Mint on Moseley (Mint on Moseley Square Pty Ltd) is seeking to amend the conditions of existing liquor licence number 50600460. Prior to applying to the Office of the Liquor and Gambling Commissioner (OLGC) the licensee is seeking Council's consent and advice in relation to the matter.

The sought variations are minor amendments to conditions that are either repeated or ambiguous. The licensee is also seeking to amend conditions to permit live entertainment in the form of a DJ for private functions only.

Motion**C110613/946**

- 1. That Council advises the Office of the Liquor and Gambling Commissioner that it supports the variation to existing Liquor Licence 50600460, as outlined in this report, subject to the following:**
- 2. The proposal be subject to a standard trial period of twelve months from the date of the licence grant, which at the end of this period an assessment and review will be made;**
- 3. The City of Holdfast Bay, the Commissioner of Police and the licensee are granted liberty to apply to the Liquor and Gambling Commissioner to review the interim licence and associated conditions prior to the conclusion of the twelve month trial period.**

Moved Councillor Patton, Seconded Councillor Dixon

Carried**14.3 Pure Boutique Coffee Bar – Application for Restaurant Licence (Report No: 196/13)**

A new business is opening at 32-36 Jetty Road Glenelg. The premise has been leased and development assessment is currently underway for the establishment of a Café called Pure Boutique Coffee Bar'. The lessees (Pure Espresso Pty Ltd) have also applied to the Office of the Liquor and Gambling Commissioner for a 'Restaurant Liquor Licence' to operate from the premises.

As an ancillary aspect of the Restaurant Licence, the applicants have applied for a section 34(1)(c) exemption which will allow the premises to supply liquor to a patron seated at a table without the provision of a meal. They have also applied for an extended trading authorisation which will permit the restaurant to operate at

specific times/days of the year that are otherwise not permitted; and also seeking approval for an entertainment consent to operate from the premises.

Full details of the applications are outlined below.

Motion

C110613/947

That Council advise the Office of the Liquor and Gambling Commissioner that it supports the approval of a Restaurant Licence to sell and/or supply liquor in accordance with section 34(1)(a),(b)&(c), and provide Entertainment in accordance with section 105 of the Liquor Licensing Act 1997 subject to the following conditions:

Restaurant Liquor Licence – Section 34:

1. That the sought section 34(1)(c) exemption be restricted to the hours of operation indicated within Development Approval 110/00248/13:
 - a. Monday to Thursday between the hours of 7:00am and 10:00pm
 - b. Friday and Saturday between the hours of 7:00am and midnight
 - c. Sunday between the hours of 8:00am and 10:00pm
2. That the restaurant's capacity be restricted to a maximum capacity of 59 patrons for the internal areas;
3. That any Outdoor Dining area (approved under section 69 of the Act) be limited to a maximum capacity of 12 patrons;

Entertainment – Section 105

4. All live entertainment be restricted to Acoustic Music/Acoustic Live Entertainment: being defined as: "the composition of music played with acoustic instruments (an acoustic guitar, an acoustic bass, vocals, piano etc);
5. There shall be no amplification other than by an "in-house" sound system operated by the licensee;
6. No entertainment is to be provided in the outdoor area;
7. No loudspeakers are to be placed on the fascia of the premises, or adjacent to the outdoor area or footpath;
8. There shall be no disc jockey (DJ) permitted at any time;

9. **Measures must be taken by the licensee to ensure that the noise emanating from the licensed premises is not excessive and that the noise from the premises (including live or recorded entertainment, singing, patron noise or similar) when assessed at the nearest noise sensitive location shall be less than 8dB(A) above the level of the background noise in any octave band of the sound spectrum;**

General

10. **The proposal be subject to a standard trial period of twelve months from the date of the licence grant, which at the end of this period an assessment and review will be made;**
11. **The City of Holdfast Bay, the Commissioner of Police and the licensee are granted liberty to apply to the Liquor and Gambling Commissioner to review the interim licence and associated conditions prior to the conclusion of the twelve month trial period.**

Moved Councillor Bouchee, Seconded Councillor Looker

Carried

14.4 **Glenelg Beach Hostel – Application for Variation of Liquor Licence (Report No: 176/13)**

A variation application has been lodged with the Office of the Liquor and Gambling Commissioner by the licensee of the Glenelg Beach Hostel (Telmsbrook Pty Ltd).

The sought variation is a minor amendment to the hours of operation for the service/supply of liquor on Sunday nights. The licensee is seeking to extend the hours of trade until 12:00 midnight.

Motion

C110613/948

That Council advises the Office of the Liquor and Gambling Commissioner that it supports the variation to existing Liquor Licence 51202176 subject to the following conditions:

1. **That in addition to the standard statutory advertising requirements, the licensee directly advises the residents of the adjacent premises via letter box drop;**
2. **The proposal be subject to a standard trial period of twelve months from the date of the licence grant, which at the end of this period an assessment and review will be made;**
3. **The City of Holdfast Bay, the Commissioner of Police and the licensee are granted liberty to apply to the Liquor and Gambling Commissioner to**

review the interim licence and associated conditions prior to the conclusion of the twelve month trial period.

Moved Councillor Dixon, Seconded Councillor Patton

Carried

Division called

A division was called:

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

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

His Worship the Mayor declared the motion

Carried

14.5 2013-14 Annual Business Plan (Report No: 198/13)

The 2013-14 Annual Business Plan is presented for consideration and adoption by Council.

Motion

C110613/949

That Council adopt the 2013-14 Annual Business Plan including the amendments detailed in this report.

Councillor Donaldson left the chamber at 7.39pm.

Moved Councillor Looker, Seconded Councillor Huckstepp

Carried

14.6 2013-14 Budget Adoption (Report No: 194/13)

The 2013/14 Budget is presented for adoption following adoption of the Annual Business Plan.

Motion

C110613/950

That in respect of the financial year ended 30 June 2014:

- 1. That the fees and charges incorporated in the Annual Business Plan and contained as Attachment 1 be adopted and that the relevant policies be updated accordingly.**
- 2. That the 2013/14 Budget which consists of:**
 - (a) the Budgeted Income Statement; and**
 - (b) the Budgeted Balance Sheet; and**
 - (c) the Budgeted Statement of Changes in Equity; and**
 - (d) the Budgeted Statement of Cash Flow; and**

- (e) the Budgeted Uniform Presentation of Finances
- (f) the Budgeted Financial Indicators

Be adopted subject to the following amendments:

That any budget changes arising from Council's consideration of the 2013/14 Annual Business Plan be included in the budgeted financial statements and relevant documents.

Councillor Donaldson rejoined the chamber at 7.41pm.

Moved Councillor Looker, Seconded Councillor Huckstepp

Carried

Division called

A division was called:

Those voting for: Councillors Fisk, Patton, Dixon, Bouchee, Patterson, Looker, Clancy, Donaldson, Lonie, Huckstepp and Yates (11)

Those voting against: Nil.

His Worship the Mayor declared the motion

Carried

14.7 Brighton Caravan Park – New Management Agreement (Report No: 197/13)

The Management Agreement with Ricklemore Park Management Pty Ltd to manage the Brighton Caravan Park is due to expire on 30 June 2013. Following an extensive and thorough process, FreeSpirit Management Pty Ltd, has been selected as preferred tenderer to manage to Brighton Caravan Park from 1 July 2013 for a period of 5 years.

Motion

C110613/951

That the Chief Executive Officer is authorised to execute the Management Agreement, on successful completion of negotiations.

Moved Councillor Patterson, Seconded Councillor Fisk

Carried

14.8 Community Transport Needs Analysis (Report No: 185/13)

The objective of the Community Transport Needs Analysis was to provide data on the broader community's awareness of the community bus and their likelihood of its use to determine if the current community transport model is appropriate to the needs of the community.

Motion

C110613/952

That Council endorses the following:

1. **Continue to provide a community bus service for the frail older population and people who no longer drive, with opportunity still being offered to other community residents who may wish to access the bus on occasion.**
2. **Approve a budget increase of \$10,000 in the 2013/14 financial year to facilitate increased promotion of the service.**

Councillor Bouchee left the chamber at 7.48pm.

Councillor Bouchee rejoined the chamber at 7.49pm.

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried

14.9 **Dog Park Feasibility Study** (Report No: 186/13)

The purpose of this report is to present a feasibility study for the creation of a dedicated Dog Park in a reserve east of Brighton Rd, between Oaklands Road and Addison Road.

Work has been undertaken analysing the study area and evaluating each of the sites, with the recommended site being Dulcie Perry Park. The key elements determining this recommendation are:

- Alignment with strategic documents and opportunities identified for the site
- Available space to plan the use of the site
- Limited impact on other users
- Opportunity to consolidate the play space

The feasibility study recommends that further work on this initiative is undertaken to ensure an integrated and multiuser reserve is developed in-line with the *Open Space and Public Realm Strategy*.

Motion

C110613/953

That Council agree to progress the development of a Dog Park at Dulcie Perry Park by undertaking the following staged approach the project:

1. **A Concept Plan for the reserve is prepared to ensure that the dog off-leash area, playground consolidation, improved landscaping and some additional trees are considered to provide the best outcome for the reserve and the community.**
2. **Undertake Engagement with the community on the Concept Plan developed for Dulcie Perry Park, at this stage it is predicted it would be at the inform level.**

3. A detailed design (with costings) is then prepared for the Dog Park.

Councillor Patton left the chamber at 7.53pm.

Councillor Patton rejoined the chamber at 7.54pm.

Moved Councillor Donaldson, Seconded Councillor Yates

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

17. ITEMS IN CONFIDENCE

17.1 Correspondence from Senator Xenophon (Report No: 208/13)

Motion

C110613/954

- 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:**
 - h. legal advice, and**
 - 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 Clancy, Seconded Councillor Huckstepp

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, Corporate Communications and Media Coordinator – T Helbers and Governance Officer – W Matthews

Councillor Yates left the chamber at 7.59pm.

Councillor Yates rejoined the chamber at 8.01pm.

Correspondence from Senator Xenophon (Report No: 208/13)

The Mayor, Deputy Mayor, Chief Executive Officer and FreeSpirit Resort and Holiday Park Management have received correspondence from Senator Xenophon requesting Council's assistance in facilitating a formal mediation between the Brighton Caravan Park Permanent Residents Committee and the Council.

Motion

C110613/955

1. **That Council declines Senator Xenophon's request for mediation at this stage as no legal case has been made.**
2. **That Council continue to seek to meet with individuals to determine strategies for their transition to alternative long term accommodation.**
3. **That the annual lease holders are transitioned to weekly tenants as from 1 July 2013 and support continues to be given for their relocation.**
4. **That flexibility be shown if practicable in accommodating former annual lease holders in line with plans from FreeSpirit Resort and Holiday Park Management and Council to redevelop the Park.**

Moved Councillor Looker, Seconded Councillor Patton

Carried

Division called

A division was called:

Those voting for: Councillors Fisk, Patton, Dixon, Patterson, Looker, Clancy, Donaldson, Lonie, Huckstepp and Yates (10)

Those voting against: Councillor Bouchee (1).

His Worship the Mayor declared the motion

Carried

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion

C110613/956

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: 208/13 including:**
 - **Report**
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)(h and i).
2. **This resolution will be reviewed within 12 months by the Council.**

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

CLOSURE

The Meeting closed at 8.32pm.

CONFIRMED 25 June 2013

MAYOR