

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 27 August 2013 at 7:07pm.

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 Corporate Services - IS Walker
Manager Development Services – A Marroncelli
Acting Manager Organisational Sustainability – S Galliford

1. OPENING

His Worship the Mayor declared the meeting open at 7.07pm.

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 - Nil

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES

Motion

C270813/1001

That the minutes of the Ordinary Meeting of Council held on 13 August 2013 be taken as read and confirmed.

Moved by Councillor Looker, Seconded by Councillor Clancy

Carried

8. QUESTIONS BY MEMBERS

8.1 Without Notice

8.1.1 Cinema and Car Park Proposal – Councillor Bouchee

8.1.1.1 Councillor Bouchee asked a question regarding the net reduction in carparking in the proposal.

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

8.1.1.2 Councillor Bouchee asked a question regarding the control, the community title and the voting rights for the car park under the cinema development.

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

8.1.1.3 Councillor Bouchee asked a question if it was operational control and not total control.

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

8.1.1.4 Councillor Bouchee asked a question regarding the height of the building.

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

8.1.1.5 Councillor Bouchee asked a question regarding the structure of the titles.

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

8.1.1.6 Councillor Bouchee asked a question regarding the increase in time for free carparking at the Bayside Village Shopping Centre.

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

- 8.1.1.7 Councillor Bouchee asked a question regarding the management and maintenance costs of the carpark.

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

8.2 **With Notice** - Nil

9. MEMBER'S ACTIVITY REPORTS

9.1 Activity Report – Councillor Donaldson

Councillor Donaldson reported that she and Councillor Looker attended the Holdfast Bay Community Centre Board Meeting.

9.2 Activity Report – Councillor Yates

Councillor Yates reported that she had attended the Channel 9 Young Achievers Launch, the Brighton Hove DPA meeting with other Councillors and the Resilient South Workshops.

Councillor Bouchee left the chamber at 7.17pm.

10. PUBLIC PRESENTATIONS

10.1 **Petitions** - Nil

10.2 **Presentation**

Councillor Bouchee rejoined the chamber at 7.18pm.

- 10.2.1 Presentation by Telstra regarding the Brighton Oval – Telecommunications Site

Mr Mark Vaade representing Telstra made a presentation regarding the proposal for the Brighton Oval – Telecommunications Site.

10.3 **Deputations** - Nil

11. MOTIONS ON NOTICE

11.1 **Motion on Notice – Advertising of Public Consultation – Councillor Yates**
(Report No: 268/13)

Background

The public consultation for the electoral representation began with one notice to the Guardian Messenger, one to the Advertiser and one to the Government Gazette. Hardly anyone reads the latter and the Advertiser is also not read by most people, especially not in detail.

The Messenger has the advantage that it is free and should be delivered to the whole area but sometimes streets are missed out or people do not read it as thoroughly as usual or are away that week so there should be a greater attempt to notify ratepayers of important public consultations. I have asked people about the recent electoral representation consultation and they did not know anything about it, not having seen any of the published notices.

A press release may get free publicity and highlight the issue more effectively than a notice in the Council column. Your View HQ is a good innovation and social media may be another way to connect with younger ratepayers but for most ratepayers the Guardian Messenger seems the most appropriate way to notify the public and therefore more notices will provide a greater chance of this happening. It is more expensive but as a staff member currently spends time producing a report that analyses the often small number of submissions which are usually statistically meaningless it would be a more worthwhile use of their time as well as providing a better and more democratic level of response on which to base Council activity.

Administration Comment – General Manager City Services

During 2012/13, the City of Holdfast Bay conducted 19 engagements.

When reviewing the feedback from participants, it appears that the motivating factor in people participating in the engagement is the topic of discussion.

Our engagements attract between 7 – 5,000 website visits per engagement. However this does not directly correlate into submissions. For example, the Brighton and Hove DPA received 1,151 visitors to the engagement, and 587 submissions. By contrast, the Heritage and Character DPA engagement attracted 933 website visits, but only 28 submissions were received.

Engagement	Number of	Number of document downloads	Number of written submissions
Brighton and Hove DPA	1,151	435	587
Better Development Plans	1067	222	18
Heritage and character DPA	933	304	28

Press advertising can be an expensive medium to use. For example, each engagement notice would cost a minimum of \$800 - \$1,000 + GST.

If this is multiplied by two press ads per engagement, with an average of 19 engagements per year, this could cost Council between \$30,000 - \$38,000 + GST per year. This currently is not budgeted for.

Motion**C270813/1002**

1. **Public consultations should be notified by at least two and, for important changes affecting all ratepayers, three consecutive weekly notices about this in the Guardian Messenger as well as putting out a press release and information to social media.**
2. **For important changes affecting all ratepayers, information about upcoming community consultations and a brief summary of the results from these should also be sent out with the quarterly and annual rates notices.**
3. **That this is trialled on three consultations and a report is presented to Council after the trial is conducted.**

Moved Councillor Yates, Seconded Councillor Looker

Carried**12. ADJOURNED MATTER****12.1 Adjourned Report – Cinema and Car Park Proposal – Heads of Agreement (Report No: 303/13)**

At the Council Meeting held 13 August 2013, Councillor Fisk requested further information to be provided to him Under Regulation 19 of the *Local Government (Procedures at Meetings) Regulations 2000* and this item was then adjourned. This information has now been tabled.

The report as presented at the Council Meeting held 13 August 2013 is represented for Members further consideration. In accordance with the *Local Government (Procedures at Meetings) Regulations 2000* the debate regarding this item recommences at the point of the adjournment. The Elected Members left to speak are – Councillors Patterson, Yates and Dixon.

His Worship the Mayor allowed Councillor Fisk to speak again to the motion. Leave of the Meeting was not granted.

Councillor Looker called a point of order as Councillor Fisk had spoken for 5 minutes.

His Worship the Mayor asked the Councillor Fisk to conclude his statements.

Councillor Yates tabled correspondence from Mr Andrew Taplin, regarding the development.

Councillor Clancy called a point of order regarding Councillor Bouchee's question not being directed through the chair. His Worship the Mayor asked that all questions are directed to the Presiding Member.

Councillor Bouchee left the chamber at 8.11pm

Councillor Bouchee rejoined the chamber at 8.13pm.

Motion**C270813/1003**

Council resolves Option 1 – to commit to the proposed development by entering into the Heads of Agreement with the Taplin Group, attached to this Report (as per the detailed recommendation below):

Option 1: Council resolves:

- 1. Having received approval from the Minister by way of letter dated 19 February 2013, to revoke the community land classification of the whole of the land comprised in Certificates of Title Volume 5117 Folio 402, Volume 5123 Folio 173, Volume 5123 Folio 219, Volume 5324 Folio 96, Volume 5402 Folio 363, Volume 5402 Folio 364, Volume 5651 Folio 969, Volume 5853 Folio 854, Volume 5397 Folio 315, Volume 5397 Folio 316 and Volume 5397 Folio 317 (Western Site).**
- 2. To act outside its policies for contracts and tenders under Section 49 of the Local Government Act 1999 in relation to the sale or disposal of land or assets and the procurement of services by engaging directly with Taplin Management Pty Ltd and/or nominees (Taplin) in relation to the transfer of two Torrens titles to be created in air above the Western Site to Taplin and the construction of two Council car parks by Taplin on the Western (Cinema) Site and on that land comprised in Certificates of Title Volume 5840 Folios 214 and 215, Volume 5555 Folio 121 and Volume 5864 Folio 948 (Eastern Site) for the following reasons:**
 - 2.1 Taplin approached Council with a unique proposal for the use of the land, which would be mutually beneficial. This proposal included a cinema which would not be achieved if Council simply engaged a contractor to build a car park.**
 - 2.2 Taplin has proven skills and experience in similar developments, including the development of the multi-screen complex at Mitcham Shopping Centre**
 - 2.3 Taplin has a proven interest in and commitment to, the greater Glenelg precinct being a major business and land holder in the area, and has recently successfully developed the Bay Junction retail centre**
 - 2.4 Taplin's business interests provided reassurance that the proposal will be completed**
 - 2.5 The costs per additional car park space in Taplin's proposed development were less than if Council proceeded on its own (noting the report from Walter Brooke).**
- 3. To enter into a heads of agreement with Taplin substantially in the form of the draft heads of agreement attached to the report to Council dated 13 August 2013 (HOA) and relating to the proposed cinema and car park development on the Western Site and the Eastern Site described in that report (Proposed Development) and authorises the Chief Executive Officer to make such minor changes to**

the HOA as the Chief Executive Officer deems necessary and appropriate to finalise the HOA for execution (including but not limited to inserting the relevant Taplin corporate entity details) and then to execute the HOA on behalf of Council.

4. To authorise the Chief Executive Officer, subsequently to the execution of the HOA, to execute on behalf of the Council a development contract with Taplin on such terms and conditions as are determined by the Chief Executive Officer in negotiation with Taplin provided that such terms and conditions are consistent with the:
 - 4.1. HOA;
 - 4.2. Council Objectives and the Taplin Objectives (as set out in the HOA); and
 - 4.3. Fundamental Terms (as set out in the HOA);
5. To authorise the Chief Executive Officer (with the assistance of such technical expertise as he deems necessary or appropriate), on behalf of Council and in accordance with the HOA, to consider detailed design and construction plans and specifications for the Proposed Development prepared by Taplin as required by the HOA and, unless the Chief Executive Officer considers they are inconsistent with the Concept Plans and Design Principles (as attached to the HOA), approve such detailed design and construction plans and specifications and to consider and approve variations to the approved detailed design and construction plans and specifications throughout the planning and construction stages of the Proposed Development.
6. Subject to execution of a development contract and satisfaction of the relevant conditions precedent in the development contract, to:
 - 6.1 transfer two Torrens title lots in air to Taplin to construct the proposed cinema on the terms contemplated by the HOA;
 - 6.2 authorise the Chief Executive Officer to approve such Lands Titles Office instruments or other documents as are required to effect the amalgamation of the titles on the Western Site, creation of the Torrens title allotments in air and the transfer of the Torrens title allotments to Taplin in accordance with the HOA and/or development contract;
 - 6.3 authorise the Chief Executive Officer to sign any and all documents necessary to effect the amalgamation of the titles on the Western Site, creation of the Torrens title allotments in air and the transfer of the Torrens title allotments to Taplin in accordance with the HOA and/or development contract; and
 - 6.4 where the common seal of Council is required to be affixed to any such documents, authorise the Mayor and Chief Executive Officer to affix the common seal to such documents.

7. **Subject to execution of a development contract and satisfaction of the relevant conditions precedent in the development contract, to:**
- 7.1 **authorise the Chief Executive Officer to approve such Lands Titles Office instruments or other documents as are required to create the community title division on the Western (Cinema) Site in accordance with the HOA and/or development contract;**
 - 7.2 **authorise the Chief Executive Officer to sign any and all documents necessary to effect the community title division on the Western Site in accordance with the HOA and/or development contract; and**
 - 7.3 **where the common seal of Council is required to be affixed to any such documents, authorise the Mayor and Chief Executive Officer to affix the common seal to such documents.**
 - 7.4 **to authorise the Chief Executive Officer to execute on behalf of Council such other agreements or documents as may be required to effect the Proposed Development as contemplated by the HOA on terms considered appropriate by the Chief Executive Officer.**

Moved Councillor Looker, Seconded Councillor Roe

Carried

Division called

A division was called:

Those voting for: Councillors Patton, Dixon, Looker, Clancy, Lonie, Huckstepp and Yates (7)

Those voting against: Councillors Fisk, Bouchee, Patterson and Donaldson (4).

His Worship the Mayor declared the motion

Carried

Councillor Dixon left the chamber at 8.18pm.

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

13.1 Development Assessment Panel Minutes – 24 July 2013 (Report No: 262/13)

Council's Development Assessment Panel is established under the Development Act 1993.

The minutes of the Development Assessment Panel meeting held 24 July 2013 are presented to Council for information.

Motion

C270813/1004

That the minutes of the Development Assessment Panel meetings held on 24 July 2013 be received.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

13.2 **Minutes – Audit Committee – 7 August 2013** (Report No: 299/13)

The minutes of the Audit Committee meeting held 7 August 2013 are presented to Council for information and endorsement.

Motion

C270813/1005

That the minutes of the Audit Committee meeting held 7 August 2013 be received and noted.

Councillor Donaldson left the chamber at 8.19pm.

Councillor Dixon rejoined the chamber at 8.20pm.

Moved Councillor Looker, Seconded Councillor Lonie

Carried

Councillor Donaldson rejoined the chamber at 8.22pm.

13.3 **Minutes – Alwyndor Management Committee – 18 June and 16 July 2013** (Report No: 300/13)

The Minutes of the Alwyndor Aged Care Management Committee for 18 June and 16 July 2013 are provided for information.

Motion

C270813/1006

That the Minutes of the Alwyndor Aged Care Management Committee for 18 June and 16 July 2013 be noted by Council.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

13.4 **Minutes – Strategic Planning and Development Policy Committee** (Report No: 302/13)

The Minutes of the Strategic Planning and Development Policy Committee for 13 August 2013 are provided for endorsement.

Motion

C270813/1007

That the Minutes of the Strategic Planning and Development Policy Committee for 13 August 2013 be endorsed by Council.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

14. REPORTS BY OFFICERS

14.1 **Items in Brief** (Report No: 295/13)

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

C270813/1008

That the report be noted and items of interest discussed.

Moved Councillor Bouchee, Seconded Councillor Clancy

Carried

14.2 **Foundation Graffiti Prevention Initiative – Post Project Analysis Report** (Report No: 290/13)

Prior to the 2012/13 financial year the City of Holdfast Bay experienced annual increases in the amount of graffiti related vandalism that occurred within the jurisdiction. In an attempt to combat this, in December 2011 Council lodged an application with the Attorney-General's Department (AGD) for a small grant. In May 2012 Council's Liquor Licensing and Community Safety Officer was notified by the AGD that the Council's bid had been successful.

The Council run project: 'Foundation Graffiti Prevention initiative' (FGPI); sought to combat graffiti while unifying, complimenting and improving existing response mechanisms to deliver an ongoing sustainable graffiti prevention program.

After a post project analysis, the FGPI can be deemed to have been an overwhelming success in that it has: reduced reported/recorded instances graffiti related vandalism within the City by 47.12%; reduced the number of identified targeted 'Hotstreets' by 64%; reduced the number of Council owned/operated targeted 'Hotspots' by 39.92%; as well as leading to the apprehension and charging of some offenders.

Further details of the projects findings are outlined below.

Motion

C270813/1009

1. **That Council note the information contained within this report and endorse it and the attached 'Project Analysis Report' that the Administration will submit to the Attorney-General's Department.**
2. **That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the attachment (excluding the Policy) relating to Report No: 290/13 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)(f).**

Councillor Huckstepp left the chamber at 8.35pm.

Councillor Huckstepp rejoined the chamber at 8.38pm.

Moved Councillor Bouchee, Seconded Councillor Patton

Carried

Councillor Patterson left the chamber 8.39pm

14.3 **Draft Regional Natural Resources Management Plan Consultation** (Report No: 291/13)

The NRM Board describes the Draft Regional Natural Resources Management Plan as a statement of why action is needed to manage our natural resources, what needs to be done and how the best possible actions are determined and delivered. The plan is made up of two volumes:

1. Strategic Plan for the Adelaide and Mount Lofty Ranges Region 2014-2024
2. Adelaide and Mount Lofty Ranges Natural Resources Management Board Business and Operational Plan 2014/15-2016/17

This Report will provide suggested comments to be considered as feedback to the Board as part of the consultation process.

Motion

C270813/1010

That the CEO writes to the Adelaide and Mount Lofty Ranges Natural Resources Management Board detailing Council's comments on the Draft Regional Natural Resources Management Plan.

Councillor Looker left the chamber at 8.41pm

Councillor Looker rejoined the chamber at 8.42pm.

Councillor Patterson rejoined the chamber at 8.43pm.

Moved Councillor Yates, Seconded Councillor Clancy

Carried

14.4 **Monthly Financial Report – July 2013** (Report No: 293/13)

Attached are financial reports as at 31 July 2013. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. The municipal funds deficit forecast is affected by the prepayment in the prior year of the Financial Assistance Grant which contributed to the prior year municipal funds surplus result.

Motion

C270813/1011

That Council receives the financial reports to 31 July 2013 and notes no changes to the 2013/14 budget:

1. **Municipal Activities**
 - a projected operating surplus for 2013/14 of \$309k
 - a projected capital expenditure for 2013/14 of \$11.635 million

- a projected funding requirement for 2012/13 of \$2.449 million
2. **Alwyndor Aged Care**
- a projected operating surplus for 2013/14 of \$612k
 - a projected capital expenditure for 2013/14 of \$2.631 million
 - a projected funding requirement for 2012/13 of \$1.264 million

Moved Councillor Huckstepp , Seconded Councillor Looker

Carried

14.5 **Seacliff – Corner Barwell Avenue and Kauri Parade – Lease to Civil Mining Group** (Report No: 298/13)

Following a tender process a contract has been awarded to Civil Mining Group for the provision of concrete works for the City of Holdfast Bay.

It is intended to allow Civil Mining Group to use portion of the property located on the corner of Barwell Avenue and Kauri Parade Seacliff for the purposes of storage of materials, plant and equipment.

It is proposed to enter into a lease with the Civil Mining Group over portion of this site for a period from 1 September 2013 to 18 August 2014.

Motion

C270813/1012

1. **That approval is granted to enter into a lease with Civil Mining Group over portion of allotment 62 in DP 54730 contained in Certificate of Title Volume 5828 Folio 590, marked A and B on the attached plan.**
2. **That the Mayor and Chief Executive Officer be granted approval to execute and seal the required documentation to give effect to this lease.**

Moved Councillor Huckstepp, Seconded Councillor Yates

Carried

14.6 **Somerton Surf Lifesaving Club – Telecommunications Site** (Report No: 249/13)

This Report was withdrawn on Advice of Telstra.

14.7 **Brighton Oval – Telecommunications Site** (Report No: 294/13)

Pro Realty on behalf of Telstra Corporation has approached the City of Holdfast Bay, as land owner, seeking approval to enter into a lease for the purposes of erecting a telecommunications tower with associated infrastructure within the Brighton Oval Complex.

Four possible locations have been identified within the Brighton Oval Complex, being replacing one of the four existing light poles around the football/cricket oval or replace one of the light poles used for the rugby oval.

Depending on which option is preferred negotiations will need to occur with one of the following clubs; Brighton Rugby Club Inc., (option A), Brighton Croquet Club Inc., (option B) or Brighton Sports and Social Club Inc., (options C and D), to amend the current lease.

It is proposed that Telstra Corporation Limited undertake public consultation for each of options A, B C and D regarding a proposal to enter into a lease for an initial term of five years from a date to be confirmed.

Motion

- 1. That public consultation be undertaken by Telstra Corporation Limited regarding the proposal to erect a telecommunication site on the Brighton Oval.**
- 2. That a further report be provided to Council detailing the results of the public consultation.**

Motion

C270813/1013

That the motion be adjourned until it is determined if Council has a policy on this matter and this be presented at the next meeting.

Moved Councillor Yates, Seconded Councillor Donaldson

Carried

14.8 Glenelg Football Club (Report No: 297/13)

Councillor Patterson declared an interest in the matter due to his employment and left the chamber at 9.08pm.

His Worship the Mayor declared an interest in the matter as he is the Patron and a Member of the Glenelg Football Club and chose to remain in the chamber.

Councillor Yates left the chamber at 9.07pm

Councillor Clancy left the chamber at 9.08pm.

Councillor Yates rejoined the chamber at 9.10pm.

Councillor Lonie left the chamber at 9.12pm

Glenelg Football Club and Glenelg Footballers Club have approached Council to increase its borrowing in order to implement strategies to restore the clubs to long term financial viability.

Motion

C270813/1014

- 1. Council notes the strategies being developed by Glenelg Football Club to improve its financial viability.**

2. Council approves advancing new loans up to \$500,000 to the Club repayable over a term to be negotiated.

Councillor Patton left the chamber at 9.17pm.

Councillor Lonie rejoined the chamber at 9.18pm.

Councillor Patton rejoined the chamber at 9.19pm.

Moved Councillor Huckstepp, Seconded Councillor Patton

Carried

Division called

A division was called:

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

Those voting against: Nil.

His Worship the Mayor declared the motion

Carried

Councillor Looker left the chamber at 9.31pm.

Councillor Patterson rejoined the chamber at 9.31pm.

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

17. ITEMS IN CONFIDENCE

17.1 Code of Conduct Complaint (Report No: 301/13)

Motion

C270813/1015

- 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:**
 - a. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead) in the matter of/in regards to Code of Conduct Complaint (Report No: 301/13)**

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

Councillor Clancy declared an interest in the matter due to her involvement in the complaint and left the meeting at 9.33pm.

Councillor Fisk declared an interest in the matter due to he feels that it inappropriate for him to be involved in determining this complaint and left the meeting at 9.33pm.

Councillor Looker rejoined the chamber at 9.33pm.

Code of Conduct Complaint (Report No: 301/13)

Order to Retain Documents in Confidence

Motion

C270813/1017

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: 301/13 including:
 - Minutes
 - Report
 - Attachments
 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)(a).
2. That the Minutes, Report and Attachments are released from confidence once all of the parties involved have been formally informed of Council's decisions and the Chief Executive Officer is authorised to release the documents.

Moved Councillor Lonie, Seconded Councillor Huckstepp

Carried

Councillors Fisk and Clancy rejoined the chamber at 9.42pm.

- 17.2 **Ombudsman SA Half Yearly Report – Complaint Matters with Ombudsman SA**
(Report No: 253/13)

Motion

C270813/1018

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:

- g. **matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.**

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

Ombudsman SA Half Yearly Report – Complaint Matters with Ombudsman SA (Report No: 253/13)

Order to Retain Documents in Confidence

Motion

C270813/1020

1. **That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the attachments relating to Report No: 253/13 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)(g).**
2. **That Report No: 253/13 and the minutes relating to Report No: 253/13 be released from confidence.**
3. **This resolution will be reviewed within 12 months by the Council.**

Moved Councillor Lonie, Seconded Councillor Patton

Carried

17.3 **Broadway Kiosk Settlement (Report No: 296/13)**

Motion

C270813/1021

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 Huckstepp

Carried

Broadway Kiosk Settlement (Report No: 296/13)

Order to Retain Documents in Confidence**Motion****C270813/1023**

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: 296/13 including:
 - Minutes
 - Report
 - Attachmentrelating 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. This resolution will be reviewed when the settlement is finalized and the lease is executed. The Chief Executive Officer authorized to release documents.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried**CLOSURE**

The Meeting closed at 9.49pm.

CONFIRMED 10 September 2013**MAYOR**