

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 13 September 2016 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor M Bouchée
Councillor R Aust
Councillor A Bradshaw
Councillor S Charlick
Councillor R Clancy
Councillor K Donaldson
Councillor S Lonie – from 7.09pm
Councillor R Patton
Councillor J Smedley
Councillor R Snewin
Councillor A Wilson
Councillor L Yates

STAFF IN ATTENDANCE

A/Chief Executive Officer – IS Walker
General Manager City Assets & Services - SG Hodge
General Manager Community Services - PE Aukett

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.

4. APOLOGIES

4.1 Apologies Received - Nil

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****C160913/481**

That the minutes of the Ordinary Meeting of Council held on 23 August 2016 be taken as read and confirmed.

Moved by Councillor Donaldson, Seconded by Councillor Bradshaw

Carried**8. PUBLIC PRESENTATIONS**

8.1 **Petitions** - Nil

8.2 **Presentation** - Nil

8.3 **Deputations** - Nil

9. QUESTIONS BY MEMBERS

9.1 **Without Notice**

9.1.1 Norfolk Island Pines – Seacliff and Hove – Councillor Donaldson

Councillor Donaldson asked a question regarding the Norfolk Island Pines on the Esplanade between Seacliff and Hove.

The General Manager City Assets & Services provided a response.

9.1.2 Norfolk Island Pines - Glenelg

Councillor Bouchee asked a question regarding a Norfolk Island Pine at the junction of Moseley Street and Broadway.

The General Manager City Assets & Services provided a response.

9.1.3 Community Consultation Area in Somerton Ward – Councillor Bouchee

Councillor Bouchee asked a question regarding community consultation area in Somerton Ward and has a date been set for a #sayseptember review of the Our Place Strategic Plan stall.

Mayor Paterson provided a response.

9.1.4 Community Consultation in Somerton Ward – Councillor Clancy

Councillor Clancy asked a question regarding community consultation in Somerton Ward as part of the #sayseptember review of the Our Place Strategic Plan.

Mayor Patterson provided a response.

9.1.5 Petrol Station on Brighton Road, South Brighton – Councillor Snewin

Councillor Snewin asked a question regarding Council's powers to make closed premises presentable.

The General Manager City Assets & Services provided a response.

9.1.6 Brighton Road Petrol Station – Councillor Yates

Councillor Yates asked a question regarding Council's powers in relation to eight cars that have been parked for sale at the petrol station.

The General Manager City Assets & Services took the question on notice.

9.1.7 Bicycle Caught in Tram Tracks – Councillor Smedley

Councillor Smedley asked a question regarding the need to expedite efforts by DPTI for improvements to the tram tracks after witnessing a cyclist who fell after becoming caught in the tram tracks on Jetty Road, Glenelg.

The General Manager City Assets & Services provided a response.

9.1.8 Tram Track Accidents and Buses in Colley Terrace Layover – Councillor Smedley

Councillor Smedley asked what opportunity there was to pressure DPTI for quicker action on bus layovers on Colley Terrace and who is liable for accidents. Action on buses stopping in Colley Terrace layover at night leaving motors running.

The General Manager City Assets & Services provided a response.

9.2 With Notice

9.2.1 Question on Notice – Credit Card Option for Car Parks (Report No: 227/16)

Councillor Aust asked the following question:

“Has Council ever considered providing the option of credit card payments in our car parks. If not, is it possible to do some costings etc?”

Background

Residents and visitors have complained about only being able to use coins at most parks.

ANSWER – Manager Regulatory Services

History:

Council currently has 13 coin operated ticket machines which are now approx. 3 years old and originally cost \$5,000 per ticket machine and have a life span of 10 years. The previous ticket machines were purchased second hand from Adelaide City Council for \$200 and have served our needs very well for approximately 25 years.

Our current coin operated ticket machines have been cost effective due to the fact council staff maintain them because of their simplicity and reliability. The new Glenelg Cinema car park now has credit card facilities for the convenience of visitors and residents to use.

Current investigations:

We have been investigating over the last 4 months the various manufacturers of credit card ticket machines and gathering costings associated with these types of machines. Unlike coin operated ticket machines the technology involved in credit card ticket machines is much more complex and privacy issues are of high priority to protect the individual in regards to credit card use.

So far our investigations have looked at a range of credit card ticket machines ranging in price from \$7,000 to \$12,000 with ongoing monthly management fees of \$100 to \$400. To make the credit card process cost effective for Council the transaction fee associated with the credit card convenience would need to be covered by the customer which would add a small increase to parking fees.

It is envisaged once we have the most appropriate credit card ticket machine a "New Initiative" will be provided to council to consider in the 2017/2018 budget.

10. MEMBER'S ACTIVITY REPORTS**10.2 Councillor Bouchee**

Councillor Bouchee reported she had attended the Vet Shed at Glenelg North where Steve Georganas, Federal Member for Hindmarsh was present and provided commitment for ongoing support.

11. MOTIONS ON NOTICE**11.1 Motion on Notice – Reduction of Hours and Services of Glenelg Police Station (Report No: 228/16)**

Councillor Bouchee proposed the following motion:

BACKGROUND

Glenelg as one of the 2 declared tourist zones in South Australia and the reduction of Police presence in this zone has the potential to reduce the perception that visitors have that Glenelg and South Australia is a safe place to visit and in which to recreate.

The relocation of Glenelg from Sturt to the Port Adelaide local service response area means that that commend now covers a suburban waterside areas that appears larger than any other Australian capital city and suggests that local knowledge and experience is no longer a central part of SAPOL's modus operandi.

The longer response times that these decision must lead to will create an environment where small anti-social activities can escalate to a repeat of the Glenelg riot and it attendant severe damage to the tourism reputation of the entire State which could take expenditure of \$ hundreds of millions to redress.

Isn't this reduction in the essential service of community engagement and oversight a classic example of "ruining it by seeking to save a hapenneth of tar"?

Motion**C160913/482**

That Council sends a letter to:

- **the Minister of Police**
- **Commissioner of Police**
- **Assistant Commissioners of Police**
- **Dr Duncan McFettridge MP, Member for Morphett**

indicating Council's significant concern over the decision that SAPOL has stopped daily foot patrols in Glenelg and highly trafficked areas of the City of Holdfast Bay. The Council is also concerned at the reduction of hours of operation of the police station continuing the trend to down-grade oversight and supervision of the local

community, and its environment, at the same time as the State Government is attempting to increase visitor numbers to South Australia via substantial increases in interstate and overseas tourism expenditure.

Moved Councillor Bouchee, Seconded Councillor Cr Wilson

A division was called:

Those voting for: Councillors Aust, Bouchée, Bradshaw, Charlick, Clancy, Donaldson, Lonie, Patton, Smedley, Snewin, Yates, Wilson (12)

Those voting against: (0).

His Worship the Mayor declared the motion

Carried

12. ADJOURNED MATTER - Nil

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

13.1 Minutes – Audit Committee – 24 August 2016 (Report No: 215/16)

The minutes of the Audit Committee meeting for 24 August 2016 are presented to Council for information and endorsement.

Motion

C160913/483

That Report No: 215/16 be adjourned until the minutes are accepted by the Audit Committee.

Moved Councillor Smedley, Councillor Bouchee

Carried

13.2 Minutes – Alwyndor Management Committee – 16 August 2016 (Report No: 216/16)

The Minutes of the Alwyndor Management Committee meeting on 16 August 2016 are provided for information.

Motion

C160913/484

That the minutes of the Alwyndor Management Committee meeting on 16 August 2016 be noted.

Moved Councillor Lonie, Seconded Councillor Aust

Carried

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 214/16)

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

C160913/485

That the following items be noted and items of interest discussed:

- **Jetty Road Glenelg and Environs Master Plan**
- **Local Heritage Discussion Paper – Department of Planning, Transport and Infrastructure**
- **Glenelg Oval Carpark Usage**
- **State-wide visits by Nuclear Consultation and Response Agency**
- **Smart Cities & Suburbs Program**
- **Correspondence from the Minister for Local Government**
- **2016 LGA Conference and AGM - Program Outline and Registrations Now Open**
- **LGA Governance Review**
- **New LGA Website**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

Councillor Charlick left the chamber at 7.45pm

Councillor Charlick rejoined the chamber at 7.47pm

14.2 Somerton Bowling Club – Loan Application (Report No: 217/16)

The Somerton Bowling Club, located at King George Avenue Somerton Park, has submitted an application for a loan of \$21,300 from Council to provide funds to repair and replace outdoor lighting systems for the bowling greens on the southern side of the clubroom. The Somerton Bowling Club leases this facility from the City of Holdfast Bay for a lease term of 20 years expiring on 14 August 2027.

Conflict of Interest:

Councillor Patton declared an interest in the matter due to his long standing membership of Somerton Bowling Club and left the meeting at 7.52 pm.

Councillor Wilson left the chamber at 7.53pm

Councillor Patton rejoined the chamber at 7.55pm

Motion**C160913/486**

1. **That Land Owners consent be granted for the proposed works subject to the following:**
 - **All costs to be borne by the Somerton Bowling Club.**
 - **All work to be undertaken by qualified tradespersons.**
 - **The Somerton Bowling Club to indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this project.**
 - **The Somerton Bowling Club be responsible for the on-going maintenance of the lights.**
 - **The City of Holdfast Bay is permitted to inspect the works at any time.**
 - **Works to comply with the Building Code of Australia and relevant legislation.**
2. **That Council provides a loan of \$21,300 to the Somerton Bowling Club amortised over a maximum of ten years, on a 6 month repayment basis in accordance with Council's borrowing policy, for the purpose of replacing outdoor lighting systems for the bowling greens.**
3. **That the Somerton Bowling Club signs a loan agreement prior to any monies being transferred stating that the proceeds of the approved State Government grant for the lights be applied to reduce the loan.**

Moved Councillor Clancy, Seconded Councillor Snewin

Carried**14.3 Alwyndor Aged Care Management Committee Appointments (Report No: 218/16)**

The Alwyndor Management Committee has recently completed the selection process to fill the vacancies (3) on the Alwyndor Management Committee (AMC). The selection panel, comprising Cr Rosie Aust, Chief Executive Officer Mr Justin Lynch and AMC Chairman Mr Darryl Royans were unanimous in their recommendation that Ms Claire Cotton be re-appointed for a further two year term and that Mr Ray Creen and Ms Julie Bonici be endorsed as the additional successful candidates and appointed for initial two year terms to expire on 30 August 2018.

Conflict of Interest:

Councillor Bouchee declared an interest in the matter due to a relationship with a nominee through Meals on Wheels and left the meeting at 7.52pm.

Motion**C160913/487****That Council:**

1. **Endorses the recommendation of the Alwyndor Management Committee in relation to the appointments to the Alwyndor Management Committee.**
2. **Appoints Ms Claire Cotton, Mr Ray Creen and Ms Julie Bonici to fill the three vacancies on the Alwyndor Management Committee for a two year term to expire on 30 August 2018.**

Moved Councillor Donaldson, Seconded Councillor Aust

Carried

Councillor Bouchee rejoined the chamber at 8.03pm

14.4 Annual Review of Delegations (Report No: 211/16)

Section 44 (6) of the *Local Government Act 1999*, requires Council to review its delegations at least once each financial year. Delegations are the means by which Council can formally pass on its powers and functions to other bodies or individuals in order to efficiently and effectively manage the business of Council.

Motion**C160913/488**

That having conducted its annual review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. **Notes the review of Delegations undertaken and continues with delegations previously made to the Chief Executive Officer for the:**
 - **Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**
 - **Community Titles Act 1996**
 - **Dog & Cat Management Act 1995**
 - **Environment Protection Act 1993**
 - **Expiation of Offences Act 1996**
 - **Fences Act 1975**
 - **Fire and Emergency Services Act 2005, and Fire and Emergency Services Act Regulations 2005.**
 - **Fire and Emergency Services - Delegations to CEO**
 - **Instrument of Delegation Under the Fire and Emergency Services Act 2005 to Fire Prevention Officers (Jan 2014)**
 - **Food Act 2001**
 - **Freedom of Information Act 1991**
 - **Heavy Vehicle National Law (South Australia) Act 2013**
 - **Housing Improvement Act 1940**
 - **Land and Business (Sale and Conveyancing) Act 1994**

- **Liquor Licensing Act 1997**
- **Natural Resources Management Act 2004**
- **Roads (Opening & Closing) Act 1991**
- **Safe Drinking Water Act 2012**
- **Unclaimed Goods Act 1987**
- **Water Industry Act 2012 and Regulations**
- **Work Health and Safety Act 2012**

without change.

2. Revocations

2.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

- 2.1.1 Local Government Act 1934**
- 2.1.2 Local Government Act 1999**
- 2.1.3 Real Property Act 1886**
- 2.1.4 Strata Titles Act 1988**
- 2.1.5 Road Traffic Act 1961, Road Traffic (Miscellaneous_ Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014**
- 2.1.6 Supported Residential Facilities Act 1992**
- 2.1.7 Residential Parks Act 2007**
- 2.1.8 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013**

3. Delegations made under Local Government Act 1999

3.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachments 1-5 (each of which is individually identified as indicated below) are hereby delegated this 13th day of September 2016 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- 3.1.1 Local Government Act 1999 (Attachment 1)**
- 3.1.2 Real Property Act 1886 (Attachment 2)**
- 3.1.3 Strata Titles Act 1988 (Attachment 3)**

Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

- **Chief Executive Officer, Mr Justin Lynch**
- **General Manager City Assets and Services, Mr Steve Hodge**
- **Manager Regulatory Services, Mr Ken O'Neill**

5.2 In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

- **General Manager City Assets and Services, Mr Steve Hodge**
- **Manager Regulatory Services, Mr Ken O'Neill**
- **Traffic and Transport Officer, Mr Damian Landrigan**

5.3 In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Subdelegation (annexed to the Report No: 211/16 and marked Attachment 4 is hereby sub-delegated this 13th day of September 2016 to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) the conditions contained in the Instrument; and**
- (ii) any conditions contained in this Resolution or in the Instrument of Subdelegation.; and**
- (iii) the creation of a separate instrument in writing reflecting such subdelegation under the Instrument and this Resolution.**

5.4 In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management Plans:

- **General Manager City Assets and Services, Mr Steve Hodge**
- **Manager Regulatory Services, Mr Ken O'Neill**
- **Traffic and Transport Officer, Mr Damian Landrigan**

14.5 **Call for Nominations for LGA President, Board Members and Deputy Board Members** (Report No: 219/16)

The LGA has written to all Metropolitan Councils and Regional LGAs calling for nominations for LGA Board Members, Deputy Board Members and the LGA President. The new LGA President and Board will take their Oaths of Office at the first meeting following 13 December 2016.

Pursuant to Clause 55 of the LGA Constitution (available at <http://www.lga.sa.gov.au/corpdocs>), the LGA is required to call for nominations to fill the positions of LGA President, Board Members and Deputy Board Members.

The LGA has outlined the process and timelines for nominations and elections of both the LGA President and metropolitan representatives on the LGA Board.

Motion

C160913/489

That Council nominates Councillor Bouchee for the position of Board Member and Deputy Board Member representing the Metropolitan Local Government Group.

Moved Councillor Aust, Seconded Councillor Lonie

Carried

14.6 **41 Kauri Parade Seacliff - Lease** (Report No: 220/16)

A letter from the Montessori Children's Centre, which subleases Council's property at 41 Kauri Parade, Seacliff is presented for consideration by Council.

Motion

C160913/490

That the matter be adjourned to enable discussions with the Girl Guides Association and be brought back at the next Council meeting.

Moved Councillor Clancy, Seconded Councillor Snewin

Carried

14.7 **2015-16 Preliminary Funding Statements and 2015-16 Budget Carried Forwards** (Report No: 221/16)

This report provides preliminary funding statements for the 2015/16 financial year including explanations of the interim results and major budget variations.

The preliminary result for municipal operations shows an operating surplus of \$1,045,880, compared with the previous forecast of \$583,963. This result is largely due to lower employment costs of \$120,271, an overall saving of \$571,785 in materials, contracts and other expenses, additional revenue for development assessment fees \$60,000 and foreshore maintenance \$60,000. The profit from the Southern Region Waste Resource Authority has also exceeded the forecast by \$164,000. The operational results are detailed by business unit within this report and show a concerted effort by managers to reduce operating expenditure. The result is

also affected by the Federal Government decision to prepay the first two instalments of the 2015/16 Financial Assistance Grant totalling \$588,830 in 2014/15. There was no prepayment of the 2016/17 grant in 2015/16.

The interim result for Alwyndor operations shows a net decrease of \$223,688 in operating costs resulting in a \$138,767 operating surplus. Major budget variances have occurred due to the introduction of the new consumer directed care Federal Government funding arrangement and are detailed in this report.

Motion

C160913/491

That Council:

- 1. Notes the provisional unaudited 2015/16 funding statements and carried forward budgets.**
- 2. Approves the final amounts carried forward from the 2015/16 budget to the current year 2016/17 budget being \$105,427 net operating expenditure, \$8,429,562 capital expenditure and \$3,179,550 capital income.**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

14.8 Granting of an Easement for Electricity Supply to Kauri Parade Community and Sports Centre (Report No: 223/16)

SA Power Networks have requested that an easement be granted in order to install a transformer for electricity supply to the Kauri Parade Sports Centre. This report recommends that an easement be granted to SA Power Networks.

Motion

C160913/492

- 1. That Council approve the granting of an easement to SA Power Networks, and that the Mayor and Chief Executive Officer be authorised to sign the associated documents with the seal of Council affixed thereto.**
- 2. That SA Power Networks be forwarded the associated documents.**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.9 Final Draft of Council's Animal Management Directions Plan 2017-2021 (Report No: 224/16)

On the 26 July 2016, Report No. 14.4 was approved in principle by Council endorsing the release of the draft City of Holdfast Bay Animal Management Directions Plan 2017-2021 for public consultation.

The purpose of this report is to highlight any outcomes from the consultation and seek Council's adoption of the Final Draft of the Animal Management Directions Plan 2017-2021.

Motion

C160913/493

1. **That the comments and feedback received from key stakeholders in relation to the draft Animal Management Directions Plan 2017-2021 be considered.**
2. **That the final draft of the City of Holdfast Bay Animal Management Directions Plan provided under Separate Cover to Report No: 185/16 be adopted with a minor amendment to include RSPCA and Animal Welfare League in Section 8.1, as Council's Animal Management Directions Plan 2017-2021.**
3. **That the Dog and Cat Management Board be advised of Council's adopted Animal Management Directions Plan for 2017-2021.**

Moved Councillor Bouchee, Seconded Councillor Smedley

Carried

Councillor Donaldson left the chamber at 8.28pm

Councillor Donaldson rejoined the chamber at 8.30pm

14.10 **Funding Agreement – Jetty Road, Brighton Level Crossing Upgrade** (Report No: 225/16)

Council has received \$325,600 funding from the 2016/2017 Infrastructure Investment Australian Government Black Spot Program for the Jetty Road, Brighton Level Crossing Upgrade. This funding agreement needs to be have the council's common seal applied and this requires the approval of the council.

Motion

C160913/494

That the Mayor and Chief Executive Officer are authorised to sign and seal the funding deed under the 2016-2017 Commonwealth Infrastructure Investment Black Spot Program for the Jetty Road, Brighton Level Crossing Upgrade.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.11 **Joint Notice of Motion to LGA Annual General Meeting – First Female Politician – 100th Anniversary** (Report No: 226/16)

The City of Prospect has approached Council to submit a Joint Notice of Motion to the Local Government Association (LGA) Annual General Meeting which will be held on Friday 21 October 2016, asking the LGA to initiate a project to promote and celebrate the 100th Anniversary (in 2019) of the election of Susan Grace Benny.

The Joint Notice of Motion needs to be considered and endorsed by Council before being submitted to the LGA.

Motion

C160913/495

That the City of Holdfast Bay agrees to jointly sponsor the Notice of Motion to the LGA Annual General Meeting with the City of Prospect and endorses the following Notice of Motion:

'That the Annual General Meeting requests the LGA to initiate a project to promote and celebrate the 100th anniversary (in 2019) of the election of Susan Grace Benny to Brighton Council and thus becoming the first female politician in South Australia and Australia.'

Moved Councillor Yates, Seconded Councillor Lonie

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

16.1 Glenelg Football Club Car Park

Motion

C160913/496

That:

- 1. Council introduce 3-hour parking Monday to Friday (between the hours of 8am and 6pm) from the southern side in front of the Glenelg Football Club to the northern-most car-park entrance with all-day parking to remain in other areas of the car-park.**
- 2. That Administration investigate the introduction of a kiss and drop area adjacent the southern boundary, abutting the school's northern boundary fence, and if practicable implement the recommendation.**
- 3. The Chief Executive Officer write to Glenelg Primary school advising of the change in parking conditions.**

Moved Councillor Bouchee, Seconded Councillor Yates

Carried

16.2 Property for Sale in Glenelg North

Motion

C160913/497

- 1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made in reliance upon the ground and for the reasons set out in part 2 of this motion that the public be excluded from attendance at**

this meeting with the exception of the Chief Executive Officer and General Managers in attendance in order to consider in confidence this item.

- 2. That Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider this item, Property for Sale in Glenelg North, at the meeting on the grounds set out in Section 90(3)(b) of the Local Government Act, namely that:**

b. Information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and**
- (ii) would, on balance, be contrary to the public interest, as the benefit or detriment to Council in not disclosing information relating to this matter outweighs the public interest at this time.**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

Order to Retain Discussion in Confidence

Motion

C160913/499

That the Council, having considered the matter of Property for Sale in Glenelg North in confidence under Section 90(3)(b) of the Local Government Act 1999, makes an order under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes relating to this matter be kept in confidence for a period of 12 months on the grounds of information contained in Section 90(3)(b) of the Local Government Act 1999.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

16.3 Procedural Matter

Motion

C160913/500

- 1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made in reliance upon the ground and for the reasons set out in part 2 of this motion that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and General Managers in attendance in order to consider in confidence this item.**
- 2. That Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider this item, Procedural Matter, at the meeting on the grounds set out in Section 90(3)(b) of the Local Government Act 1999, namely that:**

- b. Information the disclosure of which –
- (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest, as the benefit or detriment to Council in not disclosing information relating to this matter outweighs the public interest at this time.

Moved Councillor Bouchee, Seconded Councillor Clancy

Carried

Councillor Snewin left the chamber at 9.21pm

Order to Retain Discussion in Confidence

Motion

C160913/502

That the Council, having considered the Procedural Matter in confidence under Section 90(3)(b) of the Local Government Act 1999, makes an order under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes relating to this matter be kept in confidence for a period of 12 months on the grounds of information contained in Section 90(3)(b) of the Local Government Act 1999.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

16.4 Glenelg Football Club

Motion

C160913/503

1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made in reliance upon the ground and for the reasons set out in part 2 of this motion that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and General Managers in attendance in order to consider in confidence this item.
2. That Council 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 grounds set out in Section 90(3)(b) of the Local Government Act 1999, namely that:

- b. Information the disclosure of which –
- (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest as the benefit or detriment to Council in not disclosing information relating to Glenelg Football Club outweighs the public interest at this time.

Moved Councillor Bouchee, Seconded Councillor Donaldson

Carried

Conflict of Interest:

Mayor Patterson declared a perceived conflict of interest because of business relationship with Glenelg Football Club. He has determined that the conflict is not of a material nor would lead to a decision that is contrary to the public interest and that he will remain in Chamber unless he becomes aware that the situation has changed and he has a material conflict of interest.

Order to Retain Documents in Confidence

Motion

C160913/505

That Council, having considered the matter of Glenelg Football Club in confidence under Section 90(3)(b), makes an order under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes relating to this matter be kept in confidence for a period of 12 months on the grounds of information contained in Section 90(3)(b) of the Local Government Act 1999.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

Councillor Bouchee left the chamber at 10.06pm

16.5 Minda and Somerton Surf Lifesaving Club Land

Motion

C160913/506

1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made in reliance upon the ground and for the reasons set out in part 2 of this motion that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and General Managers in attendance in order to consider in confidence this item.
2. That Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider this item, Minda and Somerton Surf Lifesaving Club Land, at the meeting on the grounds set out in Section 90(3)(i), namely that:

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

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

Councillor Smedley left the chamber at 10.07pm
Councillor Yates left the chamber at 10.07pm
Councillor Yates rejoined the chamber at 10.08pm
Councillor Smedley rejoined at 10.08pm

Councillor Charlick left the chamber at 10.19pm
Councillor Charlick rejoined the chamber at 10.21pm
Councillor Donaldson left the chamber at 10.28pm
Councillor Donaldson rejoined the chamber at 10.30pm

Order to Retain Discussion in Confidence

Motion

C160913/508

That Council, having considered the matter of Minda and Somerton Surf Lifesaving Club Land in confidence under Section 90(3)(i) of the Local Government Act 1999, makes an order under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes relating to this matter be kept in confidence for a period of 12 months on the grounds of information contained in Section 90(3)(i) of the Local Government Act 1999.

Moved Councillor Clancy, Seconded Councillor Yates

Carried

17. ITEMS IN CONFIDENCE

17.1 Chief Executive Officer's Performance Appraisal – 2016 (Report No: 222/16)

The Chief Executive Officer's annual 360 degree performance review has been completed and collated for consideration by Council.

Motion

C160913/509

That Item 17.1 be adjourned to the next meeting.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

CLOSURE

The Meeting closed at 10.35 pm.

CONFIRMED Tuesday 27 September 2016

MAYOR