

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 24 January 2017 at 7:00pm.

MEMBERS PRESENT

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

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager Alwyndor Aged Care – PE Aukett
General Manager City Assets & Services - SG Hodge
Acting General Manager Community Services – M Lock

1. OPENING

His Worship the Mayor declared the meeting open at 7.00pm.

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

C240117/630

That the minutes of the Ordinary Meeting of Council held on 13 December 2016 be taken as read and confirmed.

Moved by Councillor Bradshaw, Seconded by Councillor Lonie

Carried

8. **PUBLIC PRESENTATIONS**

8.1 **Petitions**

8.1.1 **Petition – Kibby Reserve Car Park Sealing** (Report No: 24/17)

A petition has been received from 328 signatories requesting:

*“Glenslg North Community Centre
Petition to the City of Holdfast Bay Council to have the rear car park drainage and sealing remedied due to issues with dust in summer and mud in winter. Please sign to support this long outstanding matter.”*

Motion

C240117/631

That the petition be received, noted and referred to Administration for response to the Head Petitioner.

Moved Councillor Bouchee, Seconded Councillor Yates

Carried

8.2 **Presentations - Nil**

8.3 **Deputations - Nil**

9. **QUESTIONS BY MEMBERS**

9.1 **Without Notice**

9.1.1 **Transition to Cloud– Councillor Bouchee**

Councillor Bouchee asked a question regarding the cloud transition.

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

9.1.2 Bike Pump Track– Councillor Aust

Councillor Aust asked a question regarding the opening date for the Bike Pump Track.

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

9.1.3 Repairs to the Glenelg Foreshore Playspace and Glenelg Town Hall Clock– Councillor Patton

Councillor Patton asked a question regarding the repairs to the Glenelg Foreshore Playspace and the Glenelg Town Hall Clock repairs.

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

9.1.4 Sale of Land at Rutland Avenue, Brighton– Councillor Bradshaw

Councillor Bradshaw asked a question regarding the sale of land at Rutland Avenue, Brighton.

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

9.1.5 Encumbrance over Land, Rutland Avenue, Brighton– Councillor Yates

Councillor Yates asked a question regarding the encumbrance over the land at Rutland Ave, Brighton.

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

9.1.6 Development Assessment Commission Applications– Councillor Wilson

Councillor Wilson asked a question regarding the three Development Assessment Commission applications for major developments from the Taplin Group and

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

9.1.7 Jetty Road, Glenelg Masterplan – Councillor Wilson

Councillor Wilson asked a question regarding the completion of the Jetty Road Masterplan.

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

9.1.8 **Management of Three Major Developments in Glenelg – Councillor Wilson**

Councillor Wilson asked a question regarding the logistics of managing three major developments in Glenelg at the same time.

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

9.1.9 **Access to Businesses during Construction in Glenelg – Councillor Bouchee**

Councillor Bouchee made a comment regarding the planning with the proposed major developments for access to businesses in Glenelg.

9.2 **With Notice**

9.2.1 **Question on Notice – Disposal of Assets Policy** (Report No: 21/17)

Councillor Bradshaw asked the following question:

“The last review of Council’s Disposal of Assets Policy was issued on the 15/05/2013, when are Council planning to review that Policy?”

Background

The Council’s current "Disposal of Assets Policy" states:- Section 2.8.2 This policy will be reviewed once every 3 years, however Council may revise or review this Policy at any time (but not so as to affect any process that has already commenced).

ANSWER – Team Leader Governance

The Disposal of Assets Policy was due for review in May 2016, however the responsible officer was on maternity leave. It has now been scheduled for review, and is expected to be presented to Council in May 2017.

In late 2016 work commenced on the implementation of an overarching policy framework including use of a new system so that policies could be flagged for review in advance of their review date. A number of Council policies have been identified as being overdue for review or due for review in the first half of 2017.

A schedule has been developed to review all policies by 30 June 2017. It is expected that a number of policies will be presented to Council for endorsement each month. Obsolete policies will be removed and some policies may be consolidated where they deal with similar matters.

The new review dates for these policies will be staggered to ensure that in the future they do not all expire at the same time.

9.2.2 **Question on Notice – Land at Eastern End of Rutland Avenue, Brighton** (Report No: 22/17)

Councillor Bradshaw asked the following question:

- “1. It would appear the portion of land at the eastern end of Rutland Ave Brighton is now fenced and incorporated into the Brighton Shopping Centre carpark, please confirm if this is correct?**
- 2. Has Settlement taken place on the said land and what date did it occur?**
- 3. Please confirm if the Encumbrance as set out in Motion C081116/571 formed part of the Sale Contract?**
- 4. If the property has not yet settled please advise the Licence Conditions under which the Purchaser is holding the land and when the Settlement Day is anticipated?”**

Background

Further to report No. 276/16 Council received a request from MRS, owners of Brighton Foodland requesting to purchase a portion of road at the eastern end of Rutland Ave Brighton. On the 10th of May 2016 Council agreed to sell the land.

At the Council Meeting on the 8th of November 2016 Motion C081116/571 approved the sale, subject to the provision of an Encumbrance being placed on the said land.

ANSWER – General Manager City Assets and Services

1. The fence delineates the development site, for which Development Approval has been issued.
2. Settlement is yet to occur for the road reserve.
3. The contract of sale is yet to be drafted, as Council is awaiting receipt of the final survey plan, which will form the basis for both the contract and associated Land Management Agreement. The 'Agreement for the Transfer of Land' executed in October 2016 contained the conditions endorsed by Motion C081116/571.
4. There are no conditions for holding the site. A settlement date is unknown at this stage, although the final survey plan is imminent, allowing the contract for sale and Land Management Agreement to be drafted.

10. MEMBER'S ACTIVITY REPORTS**10.1 Councillor Wilson**

Councillor Wilson thanked the staff of Alwyndor Aged Care for the care they provided to her Grandmother in the St Clair wing.

10.2 Councillor Clancy

Councillor Clancy reported that she and Councillor Yates participated in the Subaru Tour Parade, for Stage 3 on 19 January 2017, which preceded the professional peloton.

10.3 Councillor Aust

Councillor Aust reported that she attended the Glenelg Tour Down Under Street Party and congratulated all involved in the event.

Councillor Aust reported that she attended a meeting with Eugene Boisvert from the CoastCity Messenger, Council Staff and representatives from the Department of Social Services to discuss the services that the community can access through Council.

10.4 Councillor Yates

Councillor Yates reported that she attended the Glenelg Tour Down Under Street Party and participated in the Subaru Tour Parade for Stage 3 on 19 January 2017.

10.5 Councillor Lonie

Councillor Lonie reported that she represented Mayor:

- at the New Years Eve Celebrations at Glenelg
- at the Blessing of the Waters at Glenelg
- answering media enquiries on beach drownings and jetty jumping
- at the launch of the OPAL program in Holdfast Bay
- at the launch of the Big Red Ride and Run raising funds for Muscular Distrophy SA
- at the welcome for the new Minister at St Paul's Lutheran Church, Glenelg

10.6 Councillor Bouchee

Councillor Bouchee reported that she attended:

- the New Year's Eve Celebrations
- the Glenelg Tour Down Under Street Party
- the St Peter's Woodlands Grammar School, Year 7 Graduation
- the Blessing of the Waters at Glenelg
- reception to meet LGA Board Members

10.7 **His Worship the Mayor, Mr S Patterson**

His Worship the Mayor reported on his participation at the Stage 3 Start of the Tour Down Under on 19 January 2017 and passed on thanks to the City of Holdfast Bay staff from the Tour Down Under organisers.

11. MOTIONS ON NOTICE

11.1 **Motion on Notice – Draft Submission Report – Proposed Development Colley Terrace/Jetty Road – Councillor Bouchee (Report No: 20/17)**

Councillor Bouchee proposed the following motion:

BACKGROUND

This will give Council members an opportunity to assess and provide feedback in relation to the content of the submission.

Motion

C240117/632

The Chief Executive Officer ensure that Council receives the copy of the Draft submission report for the DAC prepared by Council administration for the proposed development on the corner of Colley Terrace and Jetty Road, the corner of Partridge Street and Jetty Road, Glenelg and the corner of Brighton and Jetty Road, Glenelg 2 weeks prior to submitting to DAC.

Moved Councillor Bouchee, Seconded Councillor Wilson

Carried

Division called

A division was called:

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

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

12. ADJOURNED MATTERS

12.1 **Adjourned Report – Seacliff and Somerton Park Kindergartens – Renewal of Leases (Report No: 15/17)**

Council at its meeting on 13 December 2016 resolved to adjourn Report No 315/16 so that Council has time to consider the contents of this report. This report presents Report No: 315/16 for Council's further consideration.

Motion**C240117/633**

1. That approval be granted to enter into a new lease with the Minister of Early Childhood Development for a term of one year from 1 January 2017 over the land described as Lot M RP 5098 contained in Certificate of Title Volume 6016 Folio 186, (Seacliff Kindergarten), and portion of allotment 518 contained in Certificates of Title Volume 5719 Folio 136 and Volume 5796 Folio 800, (Somerton Park Kindergarten).
2. That the Chief Executive Officer and Mayor be authorised to execute the Lease document giving effect to this lease for one (1) year from 1 January 2017.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Jetty Road Mainstreet Committee – 7 December 2016 (Report No: 01/17)**

The Minutes of the Jetty Road Mainstreet Committee meeting held on 7 December 2016 are attached and presented for Council's information.

Motion**C240117/634**

1. The Minutes of the Jetty Road Mainstreet Committee are received by Council with items of interest discussed.
2. The Council endorses the recommendations of the Committee, namely:
 - 5.4 Request for Sponsorship – Handball SA
That sponsorship be given to Handball SA in the form of \$1,000.00 worth of Jetty Road vouchers; and
 - 5.6 Dates for 2017 meetings
That the meeting scheduled for 4 January 2017 be cancelled.

Moved Councillor Lonie, Seconded Councillor Wilson

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 14/17)**

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**C240117/635****That the following items be noted and items of interest discussed:**

- **Glenelg Sunset Markets – Moseley Square, Glenelg Foreshore**
- **Elected Member Training – Media**
- **2017 LGA Ordinary General Meeting – Notices of Motion & Appointment of Delegates**

Moved Councillor Lonie, Seconded Councillor Clancy

Carried**14.2 Delegations Update – January 2017 (Report No: 13/17)**

Following a quarterly review of the Council's delegations a number of changes to the *Local Government Act 1999* and the introduction of the *Local Nuisance and Litter Control Act 2016*, have been identified which requires that council revokes and remakes its delegations under these acts.

The Local Nuisance and Litter Control Act 2016 is being enacted in two stages and the bulk of the Act will commence on 1 February 2017 and the second stage will enact the local nuisance specific provisions of the Act and will commence on 1 July 2017.

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**C240117/636****That having conducted a review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:****1. Revocations**

1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the Local Government Act 1999 for:

- **Section 235(1) – Deposit of Rubbish etc**
- **Section 236(2) – Abandonment of Vehicles and Farm Implement**
- **Schedule 1A clause 24(1)**

2. Delegations made under Local Government Act 1999

2.1 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 – 2 to Report Number: 13/17 (each of which is individually identified as indicated below) are hereby delegated this 24th of January

2017 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.

2.1.1 Local Government Act 1999 (Attachment 1)

2.1.2 Local Nuisance and Litter Control Act 2016 (Attachment 2).

2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

Moved Councillor Yates, Seconded Councillor Lonie

Carried

14.3 Procurement (Contracts and Tendering) Policy 2017 (Report No: 17/17)

It is a requirement under s49 of the Local Government Act that Council adopts policies on procurement, specifically contracting, tendering and the use of local goods and services. The purpose of this policy is to ensure that Council achieves value for money when purchasing, and establishing processes to protect staff and ensure probity.

The Procurement (Contracts and Tendering) Policy has been updated to reflect changes as requested by Council and to meet other legislative requirements.

Motion

C240117/637

That Council approve the amended Procurement (Contracts and Tendering) Policy.

Moved Councillor Yates, Seconded Councillor Lonie

Carried

14.4 Tourism Plan (Report No: 08/17)

The purpose of this report is to seek Council's endorsement on the proposed draft Tourism Plan which has been developed for the City of Holdfast Bay. Tourism is a key economic driver for Holdfast Bay that has significant positive flow-on effects for the local community. In 2015, visitors contributed \$225 million to the local economy, providing an estimated 1382 full time equivalent jobs.

Tourism is integrated into Holdfast Bay's strategic planning and development framework, with tourism objectives linked to; local government planning and development; traffic and transport; asset management; by-laws governing laneways, footpaths, mobile trading and liquor licensing; regulations governing vehicle movements and parking; signage; infrastructure and services

development; community safety and wellbeing; and community and business development.

The Tourism Plan 2020 builds upon the previous Tourism Plan 2010-2014, in which Council recognised the positive impact of tourism on the City's vibrancy. It provides a focus and action plan to ensure the continued, sustainable growth of tourism within the City of Holdfast Bay.

Motion

C240117/638

That Council:

- 1. endorses the draft Tourism Plan attached to this report; and**
- 2. approves the development of a Tourism Plan extract for publication.**

Moved Councillor Bouchee, Seconded Councillor Wilson

Carried

14.5 Western Alliance Tourism Destination Action Plan (Report No: 09/17)

The purpose of this report is to seek Council's endorsement on the proposed draft Western Alliance Tourism Destination Action Plan 2020 which sets the strategic direction for destination management and marketing of the visitor economies for the Western Adelaide councils of City of Port Adelaide Enfield, City of West Torrens, City of Charles Sturt, and the City of Holdfast Bay.

Tourism is a key economic driver for the Western Adelaide region with the visitor economy directly employing 9,537 people and supporting 4,669 businesses.

The vision for this Plan is to position Western Adelaide as a must-visit inclusion for all visitors to South Australia, with the primary goal of increasing sustainable tourism jobs within the Region. Measurable objectives that will support the achievement of the primary goal and vision, include the growth in tourism visitation and expenditure, in addition to improved customer sentiment and latent demand for the region's product.

The Plan directly aligns with the South Australian Tourism Plan 2020, whilst referencing and aligning specific strategies and tactics with a number of complementary strategies including the *Building Western Adelaide Strategy* and participating council Strategic Plans.

Motion

C240117/639

That Council endorses the draft Western Alliance Tourism Destination Action Plan attached to this report.

Moved Councillor Yates, Seconded Councillor Aust

Carried

14.6 **Southern Region Waste Resource Authority – Information Report** (Report No: 07/17)

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay (the “constituent councils”), pursuant to Section 43 of the Local Government Act, 1999.

Motion

C240117/640

That the information report of the Southern Region Waste Resource Authority for its board meeting held on 5 December 2016 be received and noted.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

14.7 **Possible Sale of Laneway Adjacent Western Boundary of 26 Dunluce Avenue Brighton** (Report No: 26/17)

The property owners of 26 Dunluce Avenue have approached Council regarding the possibility of purchasing from Council a portion of a laneway adjacent their western boundary. Since the laneway contains public utilities, if purchased by the residents would not be able to build over the laneway as the utilities would require an easement over the land. Their objective is to provide easier vehicle access to their property and provide off-street parking.

This report recommends that Council agree to sell the laneway at a fair market value, subject to consultation with affected nearby residents.

Motion

C240117/641

- 1. That Council advises the property owners of 26 Dunluce Avenue that Council is willing to proceed with notification of affected residents regarding the possible sale of portion of the laneway.**
- 2. That Council will reserve the right of an easement over the underground services.**

Moved Councillor Bradshaw, Seconded Councillor Clancy

Carried

14.8 **Draft “Our Place” Strategic Plan Consultation** (Report No: 25/17)

The draft “Our Place” Strategic Plan is presented for endorsement and release for community consultation.

Motion**C240117/642**

1. That, subject to minor alterations, the Draft "Our Place" 2030 Strategic Plan as contained in Attachment 1 is released for community consultation.
2. That the process for community consultation on the Draft "Our Place" 2030 Strategic Plan, as described in this Report, be endorsed.

Moved Councillor Lonie, Seconded Councillor Aust

Carried**15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING****16.1 Amendments to the Dog and Cat Management Act**

Councillor Clancy informed members of proposed changes to the Dog and Cat Management Act and the proposed implementation date of 1 July 2017.

16.2 Councillor Snewin

Councillor Snewin thanked Members for their support over the past few months.

17. ITEMS IN CONFIDENCE**17.1 Glenelg Football Club (Report No: 18/17)****RECOMMENDATION – EXCLUSION OF THE PUBLIC – Section 90(3)(d) Order****Motion****C240117/643**

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 18/17 Glenelg Football Club in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 18/17 Glenelg Football Club on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information,

because it relates to the operations of the Glenelg Football Club.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- 3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances 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 Lonie, Seconded Councillor Aust

Carried

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for 17.1 Glenelg Football Club (Report No: 18/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that his company has a business relationship with the Club. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and if it becomes apparent he would have a Material Conflict of Interest this will be declared.

Conflict of Interest

Councillor Snewin declared a perceived conflict of interest for 17.1 Glenelg Football Club (Report No: 18/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that he is the President of the Glenelg District Cricket Club. Councillor Snewin dealt with this perceived conflict of interest by making it known to the chamber and if it becomes apparent he would have a Material Conflict of Interest this will be declared.

Glenelg Football Club (Report No: 18/17)

Councillor Bouchee left the chamber at 8.26pm.

Councillor Bouchee rejoined the chamber at 8.27pm.

Councillor Clancy left the chamber at 9.52pm.

Councilor Clancy rejoined the chamber at 9.54pm

Councillor Wilson left the chamber at 9.54pm.

Councillor Wilson rejoined the chamber at 9.54pm.

Councillor Wilson left the chamber at 9.58pm

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion

C240117/645

That having considered Agenda Item 17.1 Report No: 18/17 Glenelg Football Club in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, minutes and attachments be retained in confidence for a period of 24 months, or until such time as negotiations are completed and that this order be reviewed every 12 months.

Moved Councillor Bouchee, Seconded Councillor Snewin

Carried

Councillor Wilson rejoined the chamber at 9.59pm.

17.2 Jetty Road Mainstreet Committee Nominations (Report No: 19/17)

RECOMMENDATION – EXCLUSION OF THE PUBLIC – Section 90(3)(a) Order

Councillor Lonie left the chamber at 10.00pm.

Motion

C240117/646

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 19/17 Jetty Road Mainstreet Committee Nominations in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 19/17 Jetty Road Mainstreet Committee Nominations on the following grounds:**
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being nominees to the Jetty Road Mainstreet Committee because it contains details of the proposed appointments to the committee.**
- 3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Bouchee, Seconded Councillor Clancy Carried

Jetty Road Mainstreet Committee Nominations (Report No: 19/17)

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion C240117/648

1. That having considered Agenda Item 17.2 Jetty Road Mainstreet Committee Nominations (Report No: 19/17) in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence until successful and unsuccessful candidates have been notified.
2. That the Chief Executive Officer is authorised to release the documents when following the appointment of the Jetty Road Mainstreet Committee members.

Moved Councillor BOuchee, Seconded Councillor Patton Carried

17.3 Quarterly Report on Commercial Leases - December 2016 (Report No: 16/17)

RECOMMENDATION – EXCLUSION OF THE PUBLIC – Section 90(3)(d) Order

Motion C240117/649

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 16/17 Quarterly Report on Commercial Leased Policy – September and December 2016 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 16/17 Quarterly Report on Commercial Leased Policy – September and December 2016 on the following grounds:
 - 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.

Moved Councillor Clancy, Seconded Councillor Yates Carried

Councillor Lonie rejoined the chamber at 10.03pm.

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion

C240117/651

That having considered Agenda Item 17.3 Report No: 16/17 Quarterly Report on Commercial Leased Policy – September and December 2016 in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, minutes and attachments be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

- 17.4 Question on Notice – Expression of Interest Sign Boards on Old Town Hall Site (Report No: 23/17)

RECOMMENDATION – EXCLUSION OF THE PUBLIC – Section 90(3)(d) Order

Motion

C240117/652

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 23/17 Question on Notice – Expression of Interest Sign Boards on Old Town Hall Site in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 23/17 Question on Notice – Expression of Interest Sign Boards on Old Town Hall Site on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, because it relates to the sale of this property.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the benefit or detriment to Council in not disclosing information relating to the sale of this property outweighs the public interest at this time.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

Question on Notice – Expression of Interest Sign Boards on old Town Hall Site
(Report No: 23/17)

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion

C240117/653

That having considered Agenda Item 17.4 Report No: 23/17 Question on Notice – Expression of Interest Sign Boards on Old Town Hall Site in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, minutes and attachments be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

CLOSURE

The Meeting closed at 10.08pm.

CONFIRMED **Tuesday 14 February 2017**

MAYOR