

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 9 May 2017 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor S Lonie
Councillor R Aust
Councillor M Bouchée
Councillor A Bradshaw
Councillor S Charlick
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 City Assets & Services - SG Hodge
Acting General Manager Community Services – J Smith
Acting General Manager Business Services - PE Aukett
Manager Finance – J Newton

1. OPENING

His Worship the Mayor declared the meeting open at 7.03pm.

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 Clancy
- 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****C090517/740**

That the minutes of the Ordinary Meeting of Council held on 11 April 2017 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Bradshaw

Carried**8. PUBLIC PRESENTATIONS****8.1 Petitions**

A petition has been received from 22 signatories requesting that Council:

“I, Andrea Budiman, resident of 125 Esplanade, Brighton (with a garage on Indra Terrace), along with the undersigned, request that the City of Holdfast Bay, does not progress with removal of yellow lines on the Eastern side of Indra Terrace, Brighton to enable 4 carparks to be installed. We the undersigned believe that this will add to the congestion on the already narrow Indra Terrace and also cause safety concerns for those who need to reverse out of their garages.”

Motion**C090517/741**

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

Moved Councillor Lonie, Seconded Councillor Aust

Carried**8.2 Presentation**

Marino Residents Association
Budget submission regarding Kingston Park Master Plan.

8.3 Deputations - Nil**9. QUESTIONS BY MEMBERS**

9.1 Without Notice**9.1.1 Tram Works on Jetty Road, Glenelg - Councillor Bouchee**

Councillor Bouchee asked a question whether DPTI notifications had been issued to residents regarding the Jetty Road, Glenelg works.

The General Manager City Assets & Services provided a response.

9.1.2 Reduction in Speed of Buses in High Street – Councillor Bouchee

Councillor Bouchee asked a question of Administration to contact DPTI to ensure reduce speeds of buses in High Street during the Jetty Road upgrades.

The General Manager City Assets & Services provided a response.

9.1.3 Parking Flyers for Jetty Road Works – Councillor Bouchee

Councillor Bouchee asked a question regarding the parking flyers for the Jetty Road works to be placed in the libraries for residents.

The General Manager City Asset & Services provided a response.

9.1.4 Meeting with Developers of Foodland – Councillor Bouchee

Councillor Bouchee asked a question if the Deputy Mayor and Councillors Yates and Bradshaw meet with developers of Foodland on 19 April 2017.

The Deputy Mayor provided a response.

9.1.5 Meeting with Developers of Foodland – Councillor Bouchee

Councillor Bouchee asked a question if at this meeting whether the parking restriction removal on Edwards Street was discussed.

The Deputy Mayor provided a response.

9.1.6 Colour of the Door on the Institute Library Building – Councillor Aust

Councillor Aust asked a question regarding whether Ray White has been asked to change the yellow colour on the door on the Institute Library building.

The Chief Executive Officer provided a response.

9.1.7 **Status of the Buffalo – Councillor Charlick**

Councillor Charlick asked a question on the status of the Buffalo.

The General Manager of City Assets & Services provided a response.

9.1.8 **Stability of the Masts on the Buffalo – Councillor Wilson**

Councillor Wilson asked a question regarding the stability of the masts on the Buffalo following last years' storms.

The General Manager City Assets & Services provided a response.

9.2 **With Notice**

9.2.1 **Question on Notice – Shade Sails at the Glenelg Foreshore Playground**
(Report No: 135/17)

Councillor Wilson asked the following question:

“Can the installation of the shade sails at the foreshore playground be attended to during the tram track relay?”

ANSWER – General Manager City Assets and Services

The foundations for the structure will be poured on 1 May and after curing for 2 weeks the sails will be erected.

10. MEMBER’S ACTIVITY REPORTS

10.1 **Mayor’s Activity Report for February – April 2017** (Report No: 148/17)

Presented for the information of Members is the Activity Report for the Mayor for February – April 2017.

Motion

C090517/742

That the Mayor’s Activity Report for February – April 2017 be received and noted.

Moved Councillor Lonie, Seconded Councillor Aust

Carried

10.2 **Members’ Activity Report** (Report No: 137/17)

These activity reports are presented for the information of Members.

After noting the report any items of interest can be discussed, if required with the leave of the meeting.

Motion**C090517/743****That the following activity reports be noted:**

- **Councillor Wilson**
- **Councillor Yates**
- **Councillor Donaldson**
- **Councillor Bradshaw**
- **Councillor Clancy**

Moved Councillor Wilson, Seconded Councillor Bouchee

Carried**11. MOTIONS ON NOTICE****11.1 Motion on Notice – Partial Removal of ‘No Parking’ Restrictions on Edwards Street – Councillor Lonie (Report No: 147/17)**

Councillor Lonie proposed the following motion:

Motion**That the 'no parking' restrictions be removed from Trevelion Street to Commercial Road on Edwards Street and replaced with 2 hour time restricted parking between the hours of 9am to 9pm Monday to Friday.**

Moved Councillor Lonie, Seconded Councillor Patton

Lost**Division called:**

A division was called:

Those voting for: Councillors Patton (1)

Those voting against: Councillors Lonie, Aust, Bouchée, Bradshaw, Charlick, Donaldson, Smedley, Snewin, Wilson and Yates (10).

His Worship the Mayor declared the motion

Lost**Motion****That the 'no parking' restrictions be removed from Trevelion Street to Commercial Road on Edwards Street and reinstating previous parking controls to a maximum of 2 hours.**

Moved Councillor Smedley, Seconded Councillor Patton

Lost

Motion**C090517/744**

That the item be adjourned until the next meeting in order to confirm previous parking controls.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

11.2 **Motion on Notice – Spokesperson for Rate Capping Enquiries – Councillor Clancy**
(Report No: 133/17)

Councillor Clancy proposed the following motion:

BACKGROUND

The Mayor is a Liberal candidate for the next state elections and at a recent meeting of Council absented himself from the vote about rate capping and did not advise councillors of his views.

ADMINISTRATION COMMENT

All council members are entitled to hold personal and political views and these may sometimes conflict with a formal council position on a particular issue. A council member may disagree publicly with a council position provided that it is clear from the context that the council member is expressing their own view, not the view of the council. The code of conduct is not intended to stifle robust debate and a council member who expresses a different view on rate capping would not be in breach of the resolution.

Motion**C090517/745**

That the Deputy Mayor be spokesperson for the Council for any matters which are related to rate capping.

Conflict of Interest:

His Worship the Mayor, S Patterson declared a perceived conflict of interest for 11.2 Motion on Notice – Spokesperson for Rate Capping Enquiries (Report No: 133/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that the Mayor is a Liberal candidate for the next state elections. 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 and left the meeting at 7.57 pm.

Councillor Lonie took the chair

Moved Councillor Bouchee, Seconded Councillor Wilson

Division called:

A division was called:

Those voting for: Councillors Wilson, Yates, Smedley, Donaldson, Bradshaw and Bouchee (6)

Those voting against: Councillors Aust, Charlick, Snewin and Patton (4).

The Deputy Mayor declared the motion

Carried

His Worship the Mayor rejoined the meeting and resumed the chair at 8.05pm

11.3 **Motion on Notice – Illuminated Art – Glenelg and Brighton Jetties – Councillor Wilson** (Report No: 151/17)

Councillor Wilson proposed the following motion:

BACKGROUND

The Glenelg Jetty is not well lit. Council lease the jetty from the State Government and pays the installation and cost of the lighting.

To improve lighting the jetty by electric lighting would be costly - there are also issues about how much power can be accessed by the Glenelg Jetty.

The Brighton Jetty is much newer, has better lighting and has a focal point at the end, but an art installation does not need to be limited to Glenelg. Brighton should also be considered in this motion.

This is a small, cost efficient initiative that will deliver another social media marketing art installation promoting cultural heritage.

Pebble lighting is eco friendly lighting that requires no electricity, it is powered by UV, can hold 12 hours of light per charge and can last for up to 20 years. It is cheap and is being used by Councils around the world to light public spaces. The main cost would be the cost of acquiring the art design and the laying the pebbles in concrete.

A small art installation near the end of the jetties (or even a mandala on the Brighton Jetty) would provide an attraction to encourage people walk down the jetties at night. They would need to be in a spot where the fishermen / women do not congregate.

The Tjilbruke monument and springs at Kingston Park is a special part of this Council. I don't believe that there is another Aboriginal sacred site monument in the Adelaide Metro area. An art design that depicts it, or references it, showcased on the jetties could spark more interest in the Aboriginal history of our city. This would also give much more meaning and substance to our Kaurna acknowledgement.

The images below show photos of the pebbles in a Milky Way art installation at an observation deck (location unknown) which is the envisaged size of the art and the Van Gough Starry Night Bike path in Eindhoven, Holland.



I understand that the Kurna people did not use the "dot painting" method in their art, but given that the pebbles would look like dots, the art installation would more resemble desert art than the Kurna method. I wanted to acknowledge this discrepancy in the motion.

Motion

C090517/746

That Council Administration investigate as a part of the 2018/19 budget process:

- 1. the cost of the installation of a 2m x 2m public lighting / art installation by photo-luminescent pebbles, luminophores (or similar) near the end (or along) both the Glenelg and Brighton Jetties in an Aboriginal Art design.**
- 2. the cost of acquiring an artistic design that represents the Kurna peoples' Tjilbruke Springs Dreaming : this design can then be used both in the jetty art installations and in the yet to be built Tjilbruke interpretive centre at Kingston Park.**

Moved Councillor Wilson, Seconded Councillor Bouchee

Carried

12. ADJOURNED MATTER**12.1 Adjourned Report – Council Policy Review (Report No: 101/17)**

Council at its meeting held 14 March 2017 resolved to adjourn Report No: 71/17 for *“one month so that Members have more time to comment on the policies presented.”*

Following the extra time period for members to comment on the policies, the fifteen policies presented in Report 71/17 are attached for Council’s consideration.

The policies attached to this report include changes as a result of members’ feedback.

Motion**C090517/747**

1. **That the following policies (as amended) be adopted by Council:**
 - **Abandoned Vehicles**
 - **Building Inspection Policy**
 - **Commonwealth Home Support Program (CHSP) Fees Policy**
 - **Civic Functions, Awards and Ceremonies Policy**
 - **Cat Management Policy**
 - **Development Application Policy**
 - **Election Signs Policy**
 - **Encroachments – Section 202 & 221 Local Government Act 1999**
 - **Graffiti Policy**
 - **Heatwave Response Policy**
 - **Heritage Conservation Incentives Policy**
 - **Hoarding Permits and Building Damage**
 - **Holdfast Bay Car Parking Contributions Fund**
 - **Liquor Licence Policy**
 - **Privately Funded Development Plan Amendments Policy & Procedures.**

2. **That following the endorsement of the Council’s Our Place 2030 Strategic Plan the strategic references relevant to each policy (Attachments 2 to 17) are included.**

Councillor Wilson left the meeting at 8.12pm

Moved Councillor Lonie, Seconded Councillor Aust

Carried

13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**13.1 Minutes – Alwyndor Management Committee – 18 April 2017** (Report No: 136/17)

The Minutes of the Alwyndor Management Committee meeting on 18 April 2017 are provided for information.

Motion**C090517/748**

That the minutes of the Alwyndor Management Committee meeting on 18 April 2017 be noted.

Moved Councillor Lonie, Seconded Councillor Aust

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief** (Report No: 128/17)

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**C090517/749**

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

- **Living Smart Program**
- **Partridge Street (East and West) Care Parks Quarterly Report**
- **2017 Tree Planting**
- **Procurement Policy Exemption – Interim Concrete Contractor**
- **Nominations to participate in Gold Coast 2018 Commonwealth Games Queen's Baton Relay**
- **Aged Care reform - LGA Discussion Paper**
- **Minutes of the Murray Darling Association Region 7 Meeting – 2 March 2017**
- **Partridge House CPTED Project – Grant Funding**
- **2016 /17 External Grant Funding – Quarterly Update**

Moved Councillor Donaldson, Seconded Councillor Lonie

Carried

Councillor Wilson rejoined the meeting at 8.15pm

Councillor Charlick left the meeting at 8.15pm

Councillor Charlick rejoined the meeting at 8.18pm

Councillor Snewin left the meeting at 8.19pm

Councillors Patton, Smedley and Donaldson left the meeting at 8.21pm

Councillors Snewin and Smedley rejoined the meeting at 8.22pm

Councillor Patton rejoined the meeting at 8.23pm

Councillor Donaldson rejoined the meeting at 8.24pm

14.2 Budget Update – as at 31 March 2017 (Report No: 143/17)

This report covers the third update of Council's 2016/17 budget conducted as at 31 March 2017.

Municipal funds show a modest improvement in the forecast operating surplus and a corresponding reduction in net financial liabilities. The surplus result is \$44,856 and is primarily due to savings in employment costs \$114,000, legal advice and appeals \$50,000 and waste management \$60,000 offset by reduced parking fees and fines \$115,000 and additional infrastructure maintenance.

Net financial liabilities have reduced by \$1,122,336 after allowing for the property sale of 41 Kauri Parade Seacliff \$840,000, additional capital grants \$106,000 and savings on completed capital projects.

Alwyndor operations show a \$296,800 reduction of the forecast operating surplus to a revised forecast surplus of \$169,562. This result is due to increased operational expenditure in the areas of staffing, professional services and utility charges itemised within this report.

Motion

C090517/750

- 1. That Council notes the third 2016/17 budget update for Council's municipal operations including:**
 - (a) an increase in the forecast operating surplus for 2016/17 of \$44,856 from \$434,111 to \$478,967 (compared to an operating surplus of \$472,779 in the original budget);**
 - (b) a decrease in the forecast capital expenditure of \$411,910 from \$18.619 million to \$18.207 million (compared with \$8.585 million in the original budget);**
 - (c) an increase in the forecast capital revenue of \$665,570 from \$7.4 million to \$8.066 million (compared with \$2.495 million in the original budget);**
 - (d) a decrease in forecast net financial liabilities of \$1,122,336 at 30 June 2017 from \$25.599 million to \$24.477 million (compared to a net financial liabilities amount of \$26.069 million in the original budget).**

- 2. That Council notes the third 2016/17 budget update for Alwyndor operations including:**
 - (a) a decrease in the forecast operating surplus for 2016/17 of \$296,800 from \$466,362 to \$169,562 (compared to an operating surplus of \$466,362 in the original budget);**
 - (b) forecast capital expenditure for 2016/17 \$476,260 (unchanged from the original budget);**

- (c) a decrease in the forecast funding surplus for 2016/17 of \$296,800 from \$852,582 to \$555,782 (compared to a funding surplus of \$852,582 in the original budget).

Moved Councillor Charlick, Seconded Councillor Lonie

Carried

14.3 **2017 New Years Eve Dry Area (Glenelg)** (Report No: 145/17)

Over the years, the extension of the Glenelg Dry Area on New Year's Eve has not only proven vital in assisting South Australian Police to regulate alcohol related anti-social behavior in the area, but it has also assisted council in creating a 'family-friendly' atmosphere on the night.

As a result of this, Administration again seeks to lodge an application with Consumer and Business Services to temporarily extend the boundaries of the Glenelg Long-Term Dry Area for 2017 New Year's Eve celebrations.

Motion

C090517/751

1. That Council apply to Consumer and Business Services to temporarily extend the boundaries of the Glenelg Dry Zone for 2017 New Year's Eve celebrations; and
2. That the associated boundaries, conditions and times of the 2017 extension remain the same as in 2016.

Moved Councillor Bouchee, Seconded Councillor Smedley

Carried

14.4 **Possible Sale of Laneway Adjacent Southern Boundaries of 11 and 13 Sturt Road, Brighton** (Report No: 144/17)

The property owner of 11 and 13 Sturt Road Brighton has approached Council regarding the possibility of purchasing from Council a laneway adjacent their southern boundary.

This report recommends that Council agree in principle to sell the laneway at a fair market value, subject to consultation with affected nearby residents. The laneway would be offered for sale to the owners of 11 and 13 Sturt Road (and 2 Margate Street which is on the southern side of the laneway). The land in question is approximately 90m².

Motion**C090517/752**

That Council advises the property owners of 11 and 13 Sturt Road and 2 Margate Street that Council in principle is willing to proceed with the sale of the laneway subject to a positive survey result of affected residents regarding the possible sale of the laneway.

Moved Councillor Shewin, Seconded Councillor Yates

Carried**14.5 Brighton Surf Life Saving Club – Landlord Consent for Solar Panels Installation (Report No: 149/17)**

Brighton Surf Life Saving Club (BSLSC) wishes to apply for a grant from the Federal Government to install solar panels on the roof of their building at Brighton.

As the owner of the building, Council's approval is required to that application (landlord consent). If successful, the Commonwealth would provide the funds to Council. However, the BSLSC would manage the project (procurement and installation) and Council would administer the funds.

This report recommends that approval is granted to the BSLSC to apply for the grant and if successful, install the solar panels.

Motion**C090517/753**

- 1. That the Council grants landlord consent approval to the Brighton Surf Life Saving Club (BSLSC) to apply for the Commonwealth grant and if successful, install the solar panels.**
- 2. The approval is subject to any necessary Development approvals, to the BSLSC to install solar panels on the roof of BSLSC building.**
- 3. BSLSC be advised that they remain liable for any maintenance associated with the proposed works and that they will be required to rectify any damage to the premises that may occur as a result of the installation, placement or removal of such plant.**

Moved Councillor Yates, Seconded Councillor Smedley

Carried**14.6 Nominations Sought for the South Australian Public Health Council (Report No: 129/17)**

The Local Government Association (LGA) has received a request from the Hon Jack Snelling, Minister for Health calling for nominations for a Local Government Deputy Member on the SA Public Health Council for a term commencing immediately and expiring on 11 March 2018.

Councillor Lonie has expressed an interest in being nominated by Council for this position on the SA Public Health Council.

Motion**C090517/754**

That Council nominates Councillor Lonie to the LGA for consideration as a Deputy Member on the SA Public Health Council.

Moved Councillor Donaldson, Seconded Councillor Bouchee

Carried

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

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

17. **ITEMS IN CONFIDENCE**

17.1 **Chief Executive Officer’s Performance Appraisal (Report No: 131/17)**

Motion– Exclusion of the Public – Section 90(3)(a) Order**C090517/755**

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: 131/17 Chief Executive Officer’s Performance Appraisal 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: 131/17 Chief Executive Officer’s Performance Appraisal 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 Report No: 131/17 Chief Executive Officer’s Performance Appraisal is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Justin Lynch, Chief Executive Officer being the Chief Executive Officer, Mr J Lynch because it details his performance review will be discussed, which are sensitive and are details which are only known to those who have participated in the review process.
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 Wilson, Seconded Councillor Lonie

Division called:

A division was called:

Those voting for: Councillors Lonie, Aust, Bouchée, Bradshaw, Charlick, Donaldson, Patton, Smedley, Snewin, Wilson and Yates (11).

Those voting against: Nil (0)

His Worship the Mayor declared the motion

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion

C090517/757

That having considered Agenda Item 17.1 Chief Executive Officer's Performance Appraisal (Report No: 131/17) 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, minutes and attachments be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the report and minutes when the Mayor formally informs the Chief Executive Officer of the Council's decision and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

17.2 Question on Notice – Glenelg Football Club (Report No: 150/17)

Conflict of Interest:

His Worship the Mayor, S Patterson declared a perceived conflict of interest for 17.2 Question on Notice – Glenelg Football Club (Report No: 150/17). 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 and remained in the meeting.

His Worship the Mayor left the meeting at 9.26 pm.

Councillor Lonie took the Chair

Motion– Exclusion of the Public – Section 90(3)(d) Order

C090517/759

- 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: 150/17 – Question on Notice – 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: 150/17 – Question on Notice – 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 in that the Glenelg Football Club's and that this information may prejudice the commercial position of the 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, 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 Wilson, Seconded Councillor Lonie

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion

C090517/760

That having considered Agenda Item 17.2 Question on Notice – Glenelg Football Club (Report No: 150/17) 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 and minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Bouchee, Seconded Councillor Patton

Division called:

A division was called:

Those voting for: Councillors Aust, Bouchée, Bradshaw, Charlick, Donaldson, Patton, Smedley, Snewin, Wilson and Yates (10).

Those voting against: Nil (0)

His Worship the Mayor declared the motion

Carried

His Worship the Mayor resumed the Chair at 9.40pm.

17.3 **Motion on Notice – Motion C240117/645** (Report No: 152/17)

Motion – Exclusion of the Public – Section 90(3)(d) Order **C090517/761**

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: 152/17 Motion on Notice – Motion C240117/645 – Release of Documents to Audit Committee 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: 152/17 Motion on Notice – Motion C240117/645 – Release of Documents to Audit Committee 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, 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 Lonie, Seconded Councillor Snewin

Division called:

A division was called:

Those voting for: Councillors Snewin, Lonie, Wilson, Patton, Yates, Smedley, Donaldson and Bradshaw (8)

Those voting against: Councillors Aust, Bouchée, Charlick (3).

His Worship the Mayor declared the motion

Carried

His Worship the Mayor, S Patterson declared a perceived conflict of interest for 17.3 Motion on Notice – Motion C240117/645 (Report No: 152/17). 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 and remained in the meeting.

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion

C090517/763

That having considered Agenda Item 17.3 Motion on Notice – Motion C240117/645 – Release of Documents to Audit Committee (Report No: 152/17) 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 and minutes are not retained in confidence.

Moved Councillor Bouchee, Seconded Councillor Lonie

Division called:

A division was called:

Those voting for: Councillors Lonie, Aust, Bouchée, Bradshaw, Charlick, Donaldson, Patton, Smedley, Snewin, Wilson and Yates (11)

Those voting against: Nil (0)

His Worship the Mayor declared the motion

Carried

CLOSURE

The Meeting closed at 10.03 pm.

CONFIRMED Tuesday 23 May 2017

MAYOR