

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 11 December 2018 at 7:03pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor M Bouchee
Councillor A Bradshaw
Councillor P Chabrel
Councillor R Clancy
Councillor J Fleming
Councillor C Lindop
Councillor S Lonie
Councillor W Miller
Councillor R Patton
Councillor J Smedley
Councillor R Snewin

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets and Services – H Lacy
General Manager Community Services – M Lock
General Manager Business Services – R Bria
General Manager Alwyndor – R Kluge
Governance Staff members

1. OPENING

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

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting Her 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

Her 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

The City of Holdfast Bay was a finalist in the Australian Urban Design Award 2018, which is the nation's premier award for excellence and innovation in urban design. This project was undertaken in conjunction with Oxigen with Aecom, Cirqa and Rider Levett Bucknall for the Jetty Road Glenelg Masterplan.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****C111218/1322**

That the minutes of the Ordinary Meeting of Council held on 27 November 2018 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried**8. PUBLIC PRESENTATIONS**

- 8.1 **Petitions** - Nil
- 8.2 **Presentations** - Nil
- 8.3 **Deputations** – Nil

9. QUESTIONS BY MEMBERS**9.1 Without Notice****9.1.1 Ferris Wheel in front of the Beach House – Councillor Patton**

Councillor Patton asked a question in relation to an update about the removal of the Ferris Wheel near the Beach House.

The Chief Executive Officer Mr Justin Lynch provided a response

9.1.2 2018 World Life Saving Championships Review and Results – Councillor Bouchee

Councillor Bouchee asked a question in relation to the results and reviews from competitors and Community members associated with the 2018 World Surf Life Saving Championships.

The General Manager, Community Services provided a response.

9.1.3 **Meting procedure and item 14.7 – Councillor Bradshaw**

Councillor Bradshaw asked if item 14.7 could be heard earlier in the meeting as members of the Public were in attendance.

Her Worship the Mayor provided a response accepting this.

9.2 **With Notice**

9.2.1 **Question on Notice – Commercially Leased Properties** (Report No: 393/18)

Councillor Bouchee asked the following question:

“1. How many commercially leased properties does Council operate?

2. What is the total income of these assets?

3. How many staff manage these assets?

4. Does the CEO plan on adding Staff to assist in managing these assets?

5. At what salary/wage is being offered?”

ANSWER – General Manager City Assets and Services

1. How many commercially leased properties does Council operate?

The City of Holdfast Bay currently has:

- seven (7) Commercial Leases which permit commercial activities to occur in/on Council owned property/land
- four (4) active Commercial operations that also generate income - being Brighton Caravan Park, Partridge House, Memorials and Cemeteries.

2. What is the total income of these assets?

The 2018/19 budgeted revenue for these commercial operations are:

- Commercial Leases - \$372,404.
- Commercial Operations - \$2,367,040

being \$2,005,577 from Brighton Caravan Park; \$162,463 from Partridge House; \$44,000 from Memorials; and \$155,000 from Cemeteries

3. How many staff manage these assets?

At present time one (1) staff member (employed on a 0.8 FTE basis but currently working 1.0 FTE) oversees these operations (with the exclusion of Memorials). The role is supported by a Partridge House Coordinator, who provides onsite management for that facility.

Memorials are managed on an 'as needs' basis, with the varying tasks being delegated between two (2) existing staff.

4. Does the CEO plan on adding Staff to assist in managing these assets?

Following a recent internal review, Administration advertised an existing vacant position for a Team Leader to head up the Commercial and Leasing Team. This existing vacant position will take some of the workload off the current sole position and also take responsibility for managing Memorial and Cemeteries. In addition, the role will coordinate the strategic development of Council's commercial operations to maximise revenue from Council's activities, knowledge and community assets.

This position will also oversee the current staff that manage Council's existing leasing and licensing portfolio.

5. At what salary/wage is being offered?

The advertised position is classified at level 7; which incurs a salary range between \$99,220 and \$105,401 in accord with Council's Enterprise Agreement.

9.2.2 Question on Notice – Kauri Sporting Complex Management (Report No: 413/18)

Councillor Bradshaw asked the following question:

“Can Administration please advise what steps are being taken in the immediate future regarding improving the Communities utilisation of the Kauri Sporting and Community Complex and its ongoing management?”

BACKGROUND

Council previously called for Tenders for the ongoing Management of the Kauri Sporting and Community Centre. With no-one as yet appointed to the position, it would appear at this point that process was unsuccessful.

It's noted by some Elected Members and local residents the Centre is currently underutilised, particularly Monday to Friday during the hours of 8.30 am to 4pm.

An email to Elected Members on the 1st of November 2018 from Councils Team Leader, Leasing & Commercial Operations reported the total income from the 3rd floor entertainment area for the preceding 4 months was \$860 +gst. A further forecast of \$440 +gst was anticipated with a tentative booking for the same area to February 2019.

Whilst it's a given the existing user groups must continue to have access to the facility, it's important the level of utilisation by other community members increases significantly.

ANSWER – General Manager City Assets and Services

Administration had proposed a short term contract with a Community Centre service provider to manage the marketing, bookings, set-up and cleaning of the Kauri Parade community spaces. Following feedback from a number of Elected Members prior to the election, this proposal was cancelled. In the interim, staff continue to promote the community facilities to clubs, community groups, program providers and for private functions. Staff currently arrange for the set-up and post event cleaning using a combination of staff time and Council's current commercial caretaker service.

In the medium term, it is proposed to issue a public tender to appoint a centre manager for a contract period (most likely 2+2 years) who will be responsible for marketing, program development, program scheduling, bookings, set-up and cleaning after events and weekly scheduled activities. The aim is to improve utilisation of the community space to run scheduled programs and balance this with one-off hires.

It is anticipated that the tender will be released in February or early March.

10. MEMBER'S ACTIVITY REPORTS – Nil

11. MOTIONS ON NOTICE

11.1 Motion on Notice – Congratulations to Staff - Councillor Clancy (Report No: 405/18)

Councillor Clancy proposed the following motion:

BACKGROUND

Our community can see the breadth and depth of the work done by Council and the staff.

- Progress of Brighton Sports & Community Precinct plans and funding
- Jetty Road Master Plan
- Strengthened relationship with Kauri elders
- Multiple community support programs

- Reduced flooding through Stormwater projects like Bickford Tce and water drainage inlets
- Planting a further 600 trees
- Responding to emergency call outs and taking action like the recent storms
- Managing 200 events for the city including the Worlds Surf Lifesaving and Beach concerts
- Winner of the SA Tourism Award for Local Government
- Commencing the Minda Coast Park construction
- Winner of the Work, Health Safety commendation for Local Government
- Undertaking the Stage 1&2 Glenelg Oval Masterplan
- Running an Annual Business Plan budget surplus of \$458k for 18/19 and maintaining rates at 2.7%.

Motion**C111218/1323**

That Council acknowledges the following achievements for 2018. Together so much has been achieved and council thanks all staff for their contribution.

Moved Councillor Clancy, Seconded Councillor Patton

Carried**11.2 Motion on Notice – Traffic Plan - Councillor Clancy (Report No: 406/18)**

Councillor Clancy proposed the following motion:

BACKGROUND

At a recent meeting of Council Assessment Panel it was apparent that the present parking restrictions, flow of traffic and safety of small children is not addressed by the present conditions. In the event that considerable changes are required community consultation may be required so time is of the essence.

ADMINISTRATION COMMENT

Whilst is good practice to consider the impacts of changed traffic conditions following any major redevelopment, including the imminent transition of the Marymount College middle school to a primary school (the School) and associated new Early Learning Centre (ELC), it is important that the timing and scope of any investigations are based on the known traffic conditions where possible. As such, the proposed study should be deferred until after the development is complete and traffic patterns have stabilized, once the School and ELC are fully operational.

An earlier investigation would be pre-emptive, based on assumptions made on the evidence gathered from the existing middle school's traffic movements rather than actual movements of a primary school and ELC. Such a study would be of no greater value than the already commissioned reports that helped to inform the development application process, which were based on forecasts of the likely traffic conditions. This does not, however, prevent interim measures from being adopted which may provide immediate relief to users of the surrounding streets, but a longer-term plan should be informed by real-time events. Delaying the study would also ensure that the effectiveness of the School's own strategies can be considered, which include staggered start/end times for different year levels, and an usher

service to facilitate the 'just-in-time' pick-up of students to reduce queuing on streets.

As such, it would be wise to wait from a practical perspective, but also from a cost-sharing point of view, given that the School made a commitment to work with Council to review traffic conditions in local streets and develop strategies to improve traffic flows once the primary school and ELC were operational. A major traffic study is costly, and there are no funds available within the current budget to fund this work. Council may wish to provide funding for the study in the 2019/20 financial year, recognising that there is a limited internal resource to manage traffic and parking requests.

Motion

C111218/1324

That Council assess the present traffic movement adjacent to Mawson Oval and Marymount Street and make any changes to the parking/no parking/no standing provisions to allow safe dropping off and picking up of children well before school is open.

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried

11.3 Motion on Notice – Increase in Waste Removal for Commercial Premises - Councillor Fleming (Report No: 409/18)

At the request of Councillor Fleming this item was withdrawn from the Council agenda prior to the Council meeting.

11.4 Motion on Notice – Introduction of recycling bins to Public Areas - Councillor Fleming (Report No: 410/18)

At the request of Councillor Fleming this item was withdrawn from the Council agenda prior to the Council meeting.

12. ADJOURNED MATTER - Nil

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

13.1 Minutes Alwyndor Management Committee – 16 October 2018, 20 November 2018 and Alwyndor Management Committee Special Meeting – 25 October (Report No: 371/18)

The draft minutes of the Alwyndor Management Committee meetings were provided for information.

Motion

C111218/1325

- 1. That the draft minutes of the Alwyndor Management Committee meeting held on 16 October and 20 November 2018 and a Special Meeting held on 25 October 2018 be noted.**

2. That having considered Confidential Attachments 2 and 3 to Report No: 371/18 Minutes – Alwyndor Management Committee – 16 October 2018, 20 November 2018 and Alwyndor Management Committee Special Meeting – 25 October 2018 in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to section 91(7) of the Act orders that Attachment 2 and 3 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

13.2 **Minutes Jetty Road Mainstreet Management Committee – 7 November 2018**
(Report No: 387/18)

The draft minutes of the Jetty Road Mainstreet Committee meeting were provided for information.

Motion

C111218/1326

That Council notes the minutes of the meeting of the Jetty Road Mainstreet Committee of 7 November 2018.

Moved Councillor Bradshaw, Seconded Councillor Lonie

Carried

14. **REPORTS BY OFFICERS**

14.1 **Items in Brief** (Report No: 394/18)

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

C111218/1327

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

1. **Outstanding Meeting Actions**
2. **Local Government Award for Tourism – 2018 South Australian Tourism Awards**
3. **Response letter from Hon Stephan Knoll Regarding Residential Densities and Buildings Heights in Glenelg**
4. **2018 Community Heritage Grant**
5. **Bay to Battlefield Project – Final Installation – Remembrance Day 11 November**
6. **World Lifesaving Championships**
7. **Seacliff Surf Lifesaving Club – Equipment Shelter and Observation Tower Update**
8. **Letter from DPTI in regards to safety concerns at the corner of Brighton Road and Edward Street, Brighton.**

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

14.2 **Appointments of Alwyndor Management Committee (Report No: 372/18)**

Alwyndor Aged Care is owned by the City of Holdfast Bay, and provides a wide range of care, support and accommodation services for older people.

The Alwyndor Management Committee was established by Council under section 41 of the Local Government Act 1999 to manage the business of Alwyndor Aged Care. Council has provided delegated authority to Alwyndor through its formal delegations and endorsed the Committee's Terms of Reference in 2010.

Council appoints the members of the Alwyndor Management Committee.

Motion

C111218/1328

That Council appoints Councillor Chabrel and Councillor Lonie to the Alwyndor Management Committee for the term of Council.

Moved Councillor Snewin, Seconded Councillor Lindop

Carried

14.3 **Jetty Road Mainstreet Management Committee Appointments and Terms of Reference (Report No: 388/18)**

The Jetty Road Mainstreet Committee (JRMCM) is established by Council with the aim of supporting the precinct to flourish and expand, to strengthen partnerships between businesses, the Council and local community.

JRMCM is an advisory committee of the City of Holdfast Bay formed under Section 41 of the Local Government Act 1999.

JRMCM Membership shall consist of up to 11 members, who shall be appointed by Council. The membership of the Committee will consist of 2 Elected Members (The Council Members), who are also residents of the City of Holdfast Bay being: The Deputy Mayor of Council; and One Councillor from the Glenelg or Somerton Ward as appointed by the Council ("the Council Members"); the Mayor shall attend one meeting of the Committee per quarter with no voting rights (ex officio).

Council endorsed at its Meeting of 26 April 2016 (Resolution No.: C260416/372) the current JRMCM Terms of Reference, effective from 26 April 2016.

On 6 June 2018 JRMCM endorsed a draft Terms of Reference and recommended to Council that the Terms of Reference be endorsed, subject to the removal of item 7.2 within the Terms of Reference. Subsequently Minutes – Jetty Road Mainstreet Committee – 6 June 2018 (Report No: 227/18) were put to Council for endorsement and Council adjourned this (Resolution C100718/1204) seeking clarification from the JRMCM as to why Item 7.2 within the Terms of Reference was being removed.

Motion**C111218/1329**

1. That Council endorse the updated Jetty Road Mainstreet Committee Terms of Reference set out in attachment 2 with the following amendment:

That Clause 9.2 be amended to read

“The membership of the Committee will consist of two (2) Elected Members being Council members who are from either the Somerton or Glenelg Wards. The Mayor shall attend one meeting of the Committee per quarter with no voting rights.”

Moved Councillor Patton, Seconded Councillor Bouchee

Carried

Motion**C111218/1341**

1. That Council appoints Councillor Abley and Councillor Miller from the Glenelg or Somerton Ward to the Jetty Road Mainstreet Committee.
2. That the Terms of Reference be further reviewed in February 2019 prior to the appointment of new Trader Members.

Moved Councillor Bouchee, Seconded Councillor Snewin

Carried

14.4 **Elected Member appointment to Council Assessment Panel** (Report No: 367/18)

The tenure of the single Elected Member appointed to the City of Holdfast Bay Council Assessment Panel expired following the declarations in the Local Government Election. This report recommends that Council appoint one Elected Member to serve on the Council Assessment Panel for a maximum period of one year.

Motion**C111218/1330**

That Councillor Clancy be appointed to serve on the City of Holdfast Bay Council Assessment Panel in accordance with the Code of Conduct and Operating Procedures for the Panel for the period commencing 14 December 2018 and ending 14 December 2019.

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried

14.5 **Appointments to Audit Committee** (Report No: 370/18)

Following the recent local government elections it is necessary for Council to consider and make appointments to its Audit Committee.

Motion**C111218/1331**

That Council appoint Councillor Smedley and Councillor Snewin to the Audit Committee for the term of Council.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

14.6 **Appointments to Southern Region Waste Resources Authority** (Report No: 368/18)

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.

Under its charter, SRWRA is responsible for providing and operating waste management services on behalf of the constituent councils and ensuring that a long term waste management strategy exists in the southern region of Adelaide. The SRWRA Charter provides for Council to appoint two members to its Board along with a deputy (proxy).

Council in the past has appointed an Elected Member and a General Manager along with a deputy member. Council is not bound to do this and can resolve to appoint any combination of Elected Members and staff.

Motion

C111218/1332

- 1. That Council appoints Councillor Smedley and Mr Bria, General Manger Business Services to the Board of Southern Region Waste Resource Authority for the term of Council.**
- 2. That Council appoints Councillor Lindop as the Deputy Member to the board of Southern Region Waste Resource Authority for the term of Council.**

Moved Councillor Lonie, Seconded Councillor Patton

Carried

14.7 **Brighton Oval Building Redevelopment** (Report No: 411/18)

The Brighton Oval Clubroom Redevelopment project involves building three (3) separate new clubrooms on the Brighton Oval site to separately accommodate the Brighton Football and Cricket clubs (single shared facility), the Brighton Rugby Club and the Brighton Lacrosse Club. The overall project budget was set at \$8.0m, comprising \$6.0m of Council funding and a \$2.0m State Government Grant.

Working with the three (3) clubs, concept designs for the three (3) clubrooms commenced in mid 2018 culminating in preliminary concept designs prepared by Architects, Folland and Panozzo.

Based these concept designs and detailed specifications Council called tenders for a Managing Contractor to undertake detail design and construction of the clubrooms. A contract was awarded to Cook Building in August 2018. The contract price was \$7,350,000 (excl GST) after allowing for Council costs including upgrading lighting to one Lacrosse pitch. The contract funding comprised:

- Detail design cost of \$340,755 (excl GST)
- Contractor costs of \$558,855 (excl GST)
- Target direct construction costs of \$6,450,390 (excl GST)

The Contractor's design team prepared a preliminary cost estimate for the three (3) concept designs. This preliminary estimate indicated that the proposed concepts would cost in excess of of \$8.0m to build, well above the target construction cost allowed in the tender.

The Contractor's design team worked collaboratively with the Clubs and Council staff to reduce the cost of the proposed buildings by reducing floor area, reducing scope of work (eg replacing full height tiling in wet areas with standard 2m high tiling) and reconfiguring designs to reduce construction costs. The resulting designs achieve the functional objectives of the project, generally meet Club requirements and include items specifically requested by each Club. The Clubs have indicated that they are not prepared to negotiate further on any changes to these revised concept designs.

The Contractor has now re-estimated the cost of the three (3) Clubrooms based on the revised concept plans which indicate that the forecast cost still exceeds the target price by \$551,000 (excl GST) assuming that Council were to provide and fund all new internal fitout, fixtures and fittings (including kitchen fitout) for each club. Clubs have traditionally separately funded bar fitout.

As part of the ongoing discussions, Clubs have indicated that they may be willing to accept some of the costs associated with the fitout of kitchens, cool rooms and some change room fitout.

This is based on the assumption that some equipment may be salvaged from previous clubrooms, some equipment and fit-outs may be donated by sponsors, or some may be able to be procured at discount rates through clearance sales or auction.

The estimated fitout and equipment costs for kitchen, coolroom and benching within the change rooms of the three (3) clubs based on new purchase is around \$347,000. If funded by the Clubs, the budget shortfall would be reduced to \$204,000 which covers the cost of additional floor area in one or more of the clubrooms (currently unfunded).

Subject to the Clubs agreeing to fund part of the costs for fixtures, fit-out and equipment as outlined in this report, the report recommends that Council allocate additional funds of \$204,000 to the project budget to cover the additional floor area requested by the Clubs.

Should Council not wish to provide any further funding, or a smaller quantum of additional funding, then the report provides alternative options for Council to consider.

Motion**C111218/1333****1. That Council endorses:**

- a) **Commitment of up to a further \$472,670.00 (*understood to include \$119,000 Council Project Management and Works, \$84,330 Construction Estimate Variation and \$269,340 Fit Out Cost Estimates*) toward completion of the 3 community buildings comprising the Brighton Sports Precinct, as per plans and specifications agreed with the Clubs, including base kitchen fixtures (e.g. flues and rangehoods) but excluding the "dropdown balcony" as required by Rugby.**
 - b) **That the Clubs are to apply their available funds (as outlined in this paper) towards equipping their facilities with furniture and fitout, including bar and kitchen equipment, suitable for their purposes**
- 2. With achievement of the 30% target contained in the "early contractor intervention" model, Administration are to cause the drafting of a Guaranteed Maximum Price Contract for all 3 buildings, to be tabled to Council, together with a detailed project budget and cost reconciliation, underpinned by independent QS assessment certifying the reasonableness of all cost items, for subsequent acceptance and ratification**

Moved Councillor Smedley, Seconded Councillor Chabrel

Carried**Division called**

A division was called and the previous decision was set aside.

Those voting for: Councillors Snewin, Clancy, Miller, Bouchee, Fleming, Smedley, Abley, Patton, Chabrel, Lonie, Lindop, Bradshaw (12)

Those voting against: Nil (0)

Her Worship the mayor declared the motion

Carried**15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING****16.1 Dulcie Perry Reserve Budget discussions – Councillor Clancy**

Her Worship the Mayor sought leave of the meeting to allow Councillor Clancy to raise an item of Urgent Business

Leave of the Meeting was granted

Motion**C111218/1334****That Council include Dulcie Perry Reserve in budget discussions for 2019-2020.****BACKGROUND**

This park is in need of upgrading and there is no fenced area which provides carers with no security for the children. Residents have raised this with me during election period and an email has been received by Councillors of Brighton Ward.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried**17. ITEMS IN CONFIDENCE**

17.1 **Licence Agreement – Glenelg Tourism Pty Ltd and Temptation Sailing Ltd**
(Report No: 403/18)

Motion**C111218/1335****Exclusion of the Public - Section 90(3)(b & d) Order**

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: 403/18 Licence Agreement - Glenelg Tourism Pty Ltd & Temptation Sailing Pty Ltd 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: 403/18 Licence Agreement - Glenelg Tourism Pty Ltd & Temptation Sailing Pty Ltd on the following grounds:**
 - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is**
 - conducting business; or**
 - would prejudice the commercial position of the Council.**
 - 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, or**
 - to confer a commercial advantage on a third party.**

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 Smedley

Carried

Motion

C111218/1336

RETAIN IN CONFIDENCE – 91(7) order

That having considered Agenda Item: 17.1 Report No: 403/18 Licence Agreement - Glenelg Tourism Pty Ltd & Temptation Sailing Pty Ltd in confidence under section 90(2) and (3)(b, d & h) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act, orders that any details outlined in Report No: 403/18 Glenelg Tourism Pty Ltd & Temptation Sailing Pty Ltd Licence Agreement and associated minutes that pertain to the Licensee, Licence Agreement, Commercial Operations, and/or the specific terms of the termination be retained in confidence for a period of 12 months.

Moved Councillor Bradshaw, Seconded Councillor Lonie

Carried

- 17.2 **Buffalo Licence Agreement** (Report No: 389/18)

Motion

C111218/1337

Exclusion of the Public – Section 90(3)(b, d & h) Order

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: 389/18 Buffalo Licence Agreement 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: 389/18 Buffalo Licence Agreement on the following grounds:
 - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is

conducting business; or
would prejudice the commercial position of the Council.

- 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, or
to confer a commercial advantage on a third party.

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.

- h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice which has been provided by Mellor Olsson on instructions from the Council.

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 Abley

Carried

Motion

C111218/1338

RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item: 17.2 Report No: 389/18 Buffalo Licence Agreement in confidence under section 90(2) and (3)(b, d & h) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act, orders that any details outlined in Report No: 389/18 Buffalo Licence Agreement and associated minutes that pertain to the Licensee, Licence Agreement and/or Commercial Operations be retained in confidence for a period of 12 months.

8.52pm Councillor Lindop left the chamber

8.55pm Councillor Lindop re-entered the chamber

8.58pm Councillor Fleming Left the chamber

9.00pm Councillor Fleming re-entered the chamber

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

Division Called

A division was called and the previous decision was set aside.

Those voting for: Councillors Snewin, Clancy, Miller, Bouchee, Smedley, Abley, Patton, Chabrel, Lonie, Lindop

Those voting against: Councillors Bradshaw and Fleming

Mayor Wilson declared the motion

Carried

17.3 **Visitor Information Centre** (Report No: 412/18)

Motion

C111218/1339

Recommendation – Exclusion of the Public – Section 90(3)(b & d) Order

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: 412/18 Visitor Information Centre 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: 00/18 Visitor Information Centre on the following grounds:

b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is

conducting business; or
would prejudice the commercial position of the Council.

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, or
to confer a commercial advantage on a third party.

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 Clancy, Seconded Councillor Patton

Carried

Motion

C111218/1340

RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item: 17.3 Report No: 412/18 Glenelg Visitor Information Centre Management in confidence under section 90(2) and (3)(b & d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that Report No: 412/18 Glenelg Visitor Information Centre Management and associated minutes be retained in confidence until such time that the new Licence is executed.

Moved Councillor Lonie, Seconded Councillor Miller

Carried

CLOSURE

The Meeting closed at 9:35 pm.

CONFIRMED 29 January 2019

MAYOR