

**Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 9 April 2019 at 7:00pm.**

**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 W Miller  
 Councillor R Patton  
 Councillor J Smedley  
 Councillor R Snewin

**STAFF IN ATTENDANCE**

A/Chief Executive Officer – R Bria  
 General Manager City Assets and Services – H Lacy  
 General Manager Community Services – M Lock  
 A/General Manager Business Services – P Jackson  
 A/General Manager Alwyndor – B Capes

**1. OPENING**

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

**2. KAURNA ACKNOWLEDGEMENT**

With the opening of the meeting Her 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**

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 - Nil****6. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**7. CONFIRMATION OF MINUTES****Motion****C090419/1432**

**That the minutes of the Ordinary Meeting of Council held on 26 March 2019 be taken as read and confirmed.**

Moved Councillor Clancy, Seconded Councillor Snewin

**Carried Unanimously****8. PUBLIC PRESENTATIONS**

8.1 **Petitions - Nil**

8.2 **Presentation - Nil**

8.3 **Deputations - Nil**

**9. QUESTIONS BY MEMBERS**

9.1 **Without Notice**

9.1.1 **Tourism Expenditure**

Councillor Bouchee asked the following question:

*What was included in the \$265M tourism expenditure for the City of Holdfast Bay?*

The General Manager, Community Services, Ms M Lock provided a response

9.2 **With Notice - Nil**

**10. MEMBER'S ACTIVITY REPORTS - Nil****11. MOTIONS ON NOTICE**

11.1 **Motion on Notice – Financial Assistance for Somerton Bowling Club - Councillor Patton (Report No: 139/19)**

Councillor Patton proposed the following motion:

The Somerton Bowling Club over the years has funded clubroom and ground upgrades through support of their members and by borrowing from Council and making repayments of this debt on the agreed schedule. The Club has only received minor support over the years by way of grants. This lack of cash funding support from Council and State agencies over time, combined with an increased

debt burden, has now placed the club in a position where they no longer have the capacity to engage in future grant submissions. Unless this is remedied the club will miss a generation of opportunities to keep their club in the condition that their 500 members (all categories) and many other community participants should reasonably expect.

**Motion****C090419/1433**

**That a report be brought to Council on options to assist the Somerton Bowling Club with its current financial position for Council's consideration.**

Moved Councillor Snewin, Seconded Councillor Clancy **Carried Unanimously**

**11.2 Motion on Notice – Drinking Fountain at Brighton Jetty - Councillor Miller (Report No: 140/19)**

Councillor Miller proposed the following motion:

This motion comes as a response to a Question on Notice asked at the Council meeting on 12th of February 2019. Administration provided a response suggesting the installation of a new stainless steel fountain would cost approximately \$9000 with easy drainage to the beach.

There is a lack of public drinking fountains around the Brighton Jetty. There can be multiple found at CHB's other Jetty in Glenelg. Public drinking fountains promote healthy living and are an asset to locals and visitors alike.

**Motion****C090419/1434**

**That Council provide for the installation of a new drinking fountain at the Brighton Jetty adjacent to the safety fence near the original decorative fountain to be included in the 2019-2020 budget.**

Moved Councillor Miller, Seconded Councillor Fleming **Carried Unanimously**

**12. ADJOURNED MATTER - Nil**

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

**13.1 Draft Minutes – Alwyndor Management Committee – 21 March 2019 (Report No: 134/19)**

The draft minutes of the Alwyndor Management Committee meeting held on 21 March 2019 are provided for information.

**Motion****C090419/1435**

- 1. That the draft minutes of the Alwyndor Management Committee meeting held on 21 March 2019 be noted.**
- 2. That having considered Attachment 2 to Report No: 134/19 Draft Minutes – Alwyndor Management Committee – 21 March 2019 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 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Councillor Lonie joined the chamber at 7.14pm

Moved Councillor Chabrel, Seconded Councillor Lindop **Carried Unanimously**

#### **14. REPORTS BY OFFICERS**

##### **14.1 Items in Brief (Report No: 116/19)**

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**

**C090419/1436**

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

- 1. Moseley Square Smoke Free Area and the *Tobacco and E-Cigarette Products Act 1997*.**
- 2. Brighton Library Wednesday Opening Update – July 2018 to February 2019.**

Moved Councillor Clancy, Seconded Councillor Patton **Carried Unanimously**

##### **14.2 Mawson Oval Carpark Upgrade and Access Licence Agreement (Report No: 105/19)**

As part of the current redevelopment of the McAuley School, the Catholic Church Endowment Society ("*CCES*") are planning to upgrade their existing car park located in the north-western corner of their property (CT 6063/670).

Located in the south-western corner of the abutting Mawson Oval (CT 5804/983) exists a small car park which serves as an extension to CCES's larger car park. Access to the Mawson Oval portion of the carpark can only be made via the CCES carpark.

Under the Joint Use Agreement (JUA) for Mawson Oval, the school is able to utilise the Mawson Oval portion of the carpark as well as their own carpark during periods of exclusive use. The community has traditionally been able to utilise both Mawson Oval portion and the CCES portion of the carpark at other times, although no formal agreement exists to allow for this access to happen.

The Mawson Oval portion of the carpark has deteriorated over time and is now in need of upgrading. Following recent discussions, CCES have indicated that they are amenable to undertaking the necessary upgrading of the Mawson Oval portion of the carpark at the same time they upgrade their carpark, with costs shared for that portion as per the JUA (ie Council pays 44% and CCES pays 56% of the upgrade cost).

In addition, CCES are also amenable to establish a non-exclusive Licence Agreement to authorise the community's use of the CCES access and carpark during times when the school is not using the carpark. This non-exclusive licence would be aligned to the same terms as the Joint Use Agreement and would provide a formal agreement so that the broader community, including the adjoining community centre, can access and park in both the Mawson Oval and the CCES portions of the carpark.

Council support is now requested for both the capital works and expenditure, as well as entering into a new Licence Agreement with CCES for the duration of the existing Joint Use Agreement.

**Motion**

**C090419/1437**

1. **That Council endorse:**
  - (a) **a new capital works project and associated project budget of \$42,730 in the 2018/19 Capital Works Program for the part costs of upgrading the car park located on the south-western corner of Mawson Oval (CT 5804/983);**
  - (b) **preparation and execution of a non-exclusive Licence Agreement over a portion of land located within the new McAuley Community School site (CT 6063/670) as highlighted in yellow in Attachment 1 which entitles the community to legally access and utilise car parking spaces during times aligned with the Joint Use Agreement; and**
2. **That Council authorises the Mayor and A/Chief Executive Officer to execute and seal any documents required to give effect to this Licence, subject to minor amendments as required.**

Moved Councillor Smedley, Seconded Councillor Lonie

**Carried**

**Division called**

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

Those voting for: Councillors Snewin, Miller, Bouchee, Smedley, Patton, Chabrel, Lonie, Lindop and Bradshaw (9)

Those voting against: Councillors Clancy, Fleming and Abley (3)

Her Worship the Mayor declared the motion

**Carried**

**Conflict of Interest**

Councillor Clancy declared an actual conflict of interest for item 14.3 Removal of Street Trees – 3 Sullivan Street Somerton Park (Report No: 114/19). The nature of the conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that she is on the Council Assessment Panel (CAP).

Councillor Clancy dealt with her actual conflict of interest by leaving the chamber at 7.40pm.

**14.3 Removal of Street Trees – 3 Sullivan Street Somerton Park (Report No: 114/19)**

Council is requested to consider the removal of one regulated (Significant) street tree and two non-regulated street trees located at 3 Sullivan Street, Somerton Park (trees located in Bishop Avenue). The trees have been requested for removal by the owner of the property in order to facilitate development of the site as the street trees interfere with the proposed driveway locations.

The trees have been assessed as being under performing or close to the end of their useful life, enabling a recommendation for their removal to accommodate the new development. An amenity value has been calculated for each tree which, in addition to the costs associated with removal and replacement, will be funded by the owner in accordance with the Tree Management Policy and Council's approved Fees and Charges should Council accede to the request for their removal.

Replacement planting with trees selected to better match the existing streetscape is included so that the street appearance can be enhanced by this replanting.

**Motion****C090419/1438**

- 1. That Council support the removal of the regulated (Significant) street tree, *Agonis flexuosa* (Willow Peppermint) at 3 Sullivan Street (fronting Bishop Avenue) Somerton Park, subject to a Development Application involving community consultation.**
- 2. That Council support the removal of the two non-regulated street trees, *Eucalyptus regnans* (Mountain Ash) at 3 Sullivan Street (fronting Bishop Avenue) Somerton Park.**
- 3. That the street tree removals will be at the expense of the owner in accordance with the Tree Management Policy and Council's approved Fees and Charges.**
- 4. That three (3) replacement trees are planted to replace the trees in close proximity to the development site, having regard to the proposed new driveway locations along Bishop Avenue.**
- 5. To ensure the protection of the 2 Red Gums identified in Report 114/19 adjacent to this development:**
  - a. A specific Protection Zone be identified by Council's Technical Arborist around these subject Red Gums**
  - b. A fence be erected around the specified Protection Zone of both Red Gums prior to any commencement of works with appropriate signage indicating protected area**
  - c. No persons, vehicles or machinery shall enter the Tree Protection Zone without consent of Council.**

Moved Councillor Bouchee, Seconded Councillor Miller

**Carried Unanimously**

Councillor Clancy re-joined the chamber at 7:51pm.

### **Conflict of Interest**

Councillor Bradshaw declared a perceived conflict of interest for item 14.4 New Lease Agreement – Department for Education – Seacliff and Somerton Kindergartens (Report No: 115/19). The nature of the perceived conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that she has a family member who attends the kindergarten. Councillor Bradshaw dealt with the perceived conflict of interest by making it known to the chamber, remaining in the chamber and acting in the best interest of the community.

#### **14.4 New Lease Agreement – Department for Education – Seacliff and Somerton Kindergartens (Report No: 115/19)**

For a considerable period, the Department for Education (*“Department / Lessee”*) has held a lease over two Council owned properties (one located at 47 Kauri Parade Seacliff and the other 1/3 Grantham Road Somerton Park) for the purpose of operating two community kindergartens.

The previous lease agreements for both properties expired on 23 January 2018 and the lessee has since occupied the properties on a holding over basis. As the Department has proven to be worthwhile tenant over the years, Administration now seeks to enter into new Lease Agreements for both properties for a period of five (5) years.

#### **Motion**

**C090419/1439**

- 1. That Council enters into a new Lease Agreement with the Department for Education for a term of five (5) years commencing 1 July 2019 over the whole of the land contained within Certificate of Title Volume 6016 Folio 186 (Seacliff Kindergarten).**
- 2. That a commencing annual rent of \$1,124 (plus GST) be charged to the Lessee for the Seacliff property.**
- 3. That Council enters into a new Lease Agreement with the Department for Education for a term of five (5) years commencing 1 July 2019 over portion of land contained within Certificates of Title Volume 5719 Folio 136 and Volume 5796 Folio 800 (Somerton Park Kindergarten).**
- 4. That a commencing annual rent of \$822 (plus GST) be charged to the Lessee for the Somerton Park property.**
- 5. That the Mayor and Acting Chief Executive Officer be authorised to execute and seal any documents required to give effect to this lease.**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried Unanimously**

#### **14.5 Wigley Reserve Playspace and Fitness Hub Redevelopment (Report No: 129/19)**

The existing Wigley Reserve Playspace was installed in 2003, with the fitness equipment installed in 2008. Both the playspace and fitness equipment have reached their end of asset life. A budget of \$30,000 was allocated for 2018/19 to undertake detailed design for the redevelopment. Community engagement on

the Wigley Reserve Playspace and Fitness Hub has taken place, with phase one in August 2018 and phase two in January 2019. Following community engagement, the preferred concept plan has been selected with a cost estimate provided for Council's consideration in the 2019/20 business planning process.

**Motion**

**C090419/1440**

**That Council:**

- 1. Notes the findings from phase two of the consultation.**
- 2. Endorses the preferred concept plan, The Dunes (Option Three).**
- 3. Notes a new initiative submission that has been incorporated as part of the 2019/20 annual business plan budget preparation with a 50% grant.**

Moved Councillor Chabrel, Seconded Councillor Patton **Carried Unanimously**

**14.6 Dunbar Terrace Car Park Utilisation Review (Report No: 132/19)**

At the meeting on 29 January 2019, a Motion on Notice was approved seeking a report on options to improve utilisation of the Dunbar Terrace Car Park.

Since the car park was upgraded in 2015 and ticket machines were installed, revenue generated from the car park has been low and the car park remains underutilised.

In order to improve utilisation, Council Administration recommends that the ticket parking is removed and replaced with 2P 9am-6pm All Days.

**Motion**

**C090419/1441**

- 1. That Council endorses:**
  - (a) Retention of 6 existing permit parks for McGrath Real Estate as per current agreement.**
  - (b) Removal of the ticket machines and all paid parking.**
  - (c) Introduction of timed parking, being 2P 9am-6pm all days, in lieu of paid parking arrangements.**
- 2. That Administration notifies McGrath Real Estate of the introduction of the timed parking controls.**

Moved Councillor Patton, Seconded Councillor Clancy

**Amendment**

- 1. That Council endorses:**



- (a) **Retention of 6 existing permit parks for McGrath Real Estate as per current agreement.**
  - (b) **Removal of the ticket machines and all paid parking.**
  - (c) **Introduction of timed parking, being 3P 9am-6pm all days, in lieu of paid parking arrangements.**
- 2. That Administration notifies McGrath Real Estate of the introduction of the timed parking controls.**

Moved Councillor Bouchee, Seconded Councillor Chabrel

The amendment on being put was

**Lost**

The substantive motion on being put was

**Carried Unanimously**

**14.7 Draft 2019-20 Annual Business Plan and Budget (Report No: 141/19)**

The Draft 2019-20 Annual Business Plan is presented for endorsement and release for community engagement. It has been developed having regard to the "Our Place" 2030 Strategic Plan (Our Place) Asset Management Plans, Long Term Financial Plan and directions provided by Council.

The draft budget has been developed with a general rate increase of 2.7% and meets all the key financial targets set out in the Long Term Financial Plan.

The Draft 2019-20 Annual Business Plan is due for review by Council's Audit Committee on 8 April 2019

**Motion**

**C090419/1442**

- 1. That, subject to minor alterations and design, the Draft 2019-20 Annual Business Plan contained in Attachment 1 be released for community consultation.**
- 2. That the process for community consultation on the Draft 2019-20 Annual Business Plan, as described in this report, be endorsed.**

Moved Councillor Smedley, Seconded Councillor Lonie

**Carried Unanimously**

**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 and 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****Leave of the Meeting**

Her Worship the Mayor sought leave of the meeting to consider item 17.3 Buffalo Licence Agreement – Application for Extension of Time (Report No: 145/19). The item is to be heard in Confidence.

Leave of the meeting was granted.

**17. ITEMS IN CONFIDENCE****17.1 Proposed Sale of Land (Report No: 131/19)****Motion – Exclusion of the Public – Section 90(3)(b & d) Order C090419/1443**

**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: 131/19 Proposed Sale of Land 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: 131/19 Proposed Sale of Land in confidence 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 Snewin **Carried Unanimously**

**Motion** **C090419/1444**

1. **That Council authorise Administration to:**
- (a) **initiate action to convert the two (2) unused parcels of Road Reserves to Operational Land in accordance with the *Roads Opening and Closing Act 1991*;**
  - (b) **seek Certificates of Titles for each of the blocks in accordance with the Real Property Act 1886;**
  - (c) **explore options and quotes for undergrounding the electricity supply through the Lynmouth Avenue block; and**
  - (d) **once complete, obtain three (3) quotes from suitably qualified real estate agents to market and sell each of the two (2) parcels of land.**
2. **That following the completion of the aforementioned, Administration be authorised to proceed with the sale of the blocks, based on the advice of the successful agent.**
3. **That Council delegates to the Mayor and the Chief Executive Officer the authority to approve any subsequent sale documents.**

Moved Councillor Clancy, Seconded Councillor Snewin **Carried Unanimously**

**RETAIN IN CONFIDENCE - Section 91(7) Order** **C090419/1445**

**That having considered Agenda Item 17.1 Proposed Sale of Land in confidence under section 90(2) and (3)(b and d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report 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 Patton **Carried Unanimously**

17.2 **Brighton Oval Building Redevelopment (Report No: 138/19)**

**Motion – Exclusion of the Public – Section 90(3)((b & d) Order** **C090419/1446**

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: 138/19 - Brighton Oval Building Redevelopment 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: 138/19 - Brighton Oval Building Redevelopment 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  
proposing to conduct business; or  
would prejudice the commercial position of the Council.

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.

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.

Moved Councillor Lonie, Seconded Councillor Abley

**Carried Unanimously**

**Motion**

**C090419/1447**

1. That Council approves:

- (a) an increase of \$200,919 (excl GST) in the project budget for the Brighton Oval Redevelopment Project
- (b) acceptance of Cook Building's alternative Guaranteed Maximum Price (GMP) offer of \$6,875,000 (excl GST) and that the Formal Instrument of Agreement be amended to

- remove clauses related to Open Book and Sharing of Savings  
(and any minor amendments).
- (c) the Brighton Oval Building Upgrade Project for construction.
2. That Administration prepare any necessary documentation to finalise the necessary legal agreements to enable the project to proceed.
  3. That Council authorises the Mayor and Chief Executive to sign any necessary documentation to enact resolutions 1 and 2 above and authorizes the affixing of the Seal thereto if required.

Moved Councillor Clancy, Seconded Councillor Lonie Carried Unanimously

**RETAIN IN CONFIDENCE - Section 91(7) Order** C090419/1448

That having considered Agenda Item 17.2 Brighton Oval Building Redevelopment in confidence under section 90(2) and (3)(b and d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report 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 Lindop Carried Unanimously

- 17.3 **Buffalo Licence Agreement – Application for Extension of Time** (Report No: 145/19)

**Motion – Exclusion of the Public – Section 90(3)(b, d & h) Order** C090419/1449

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: 145/19 Buffalo Licence Agreement – Application for Extension of Time 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: 145/19 Buffalo Licence Agreement – Application for Extension of 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 Abley, Seconded Councillor Lonie

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C090419/1451

That having considered Agenda Item: 17.3 Report No: 145/19 Buffalo Licence Agreement – Application for Extension of Time 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: 145/19 Buffalo Licence Agreement – Application for Extension of Time and associated minutes that pertain to the Licensee, Licence Agreement and/or Commercial Operations be retained in confidence for a period of 12 months.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried Unanimously

## CLOSURE

The Meeting closed at 9.07pm.

**CONFIRMED**

**Tuesday 23 April 2019**

**MAYOR**