



Council Meeting Minutes

**Thursday 6 October 2011 at 6.02 pm
Council Chamber, 401 Greenhill Road, Tusmore**

Members Present: Mayor, David Parkin
Councillors Bills, Capogreco, Cornish, Davey, Hasenohr, Lemon,
Monceaux, Osterstock, Palk, Piggott, Pocock and Wilkins

Opening Prayer

The Mayor read the Opening Prayer and observed one minute silence.

Kaurna Acknowledgement

The Mayor acknowledged the Kaurna people.

Apologies

Nil

Leave of Absence

Nil

Consideration of Motions of which Notice has been Given

Chelsea Cinema Expressions of Interest (5.1)

Councillor Osterstock moved:

- C8441
1. That pursuant to Section 90(2) and (3)(a) and (b) of the Local Government Act, 1999, the Council orders that the public be excluded, with the exception of the Chief Executive Officer; General Manager, Corporate & Community Services; Acting General Manager, Planning & Infrastructure; the Manager Facilities; and the Executive Assistant.
 2. Pursuant to Section 90(2) and (3)(d) of the Local Government Act, 1999, the public are excluded on the basis that Council will receive and consider 'Chelsea Cinema Expression of Interest' and that the Council is satisfied that the principles that the meeting should be conducted in a place open to the public has been outweighed in relation to the matter as it involves the consideration of:

- 2.1 information that will be received, discussed or considered will involve the unreasonable disclosure of information concerning the personal affairs of one or more of the Applicants; and
- 2.2 information that will be received, discussed or considered is information the disclosure of which could reasonably be expected to confer an advantage for a person or persons with whom the Council is proposing to conduct business and the disclosure of this information would, on balance, be contrary to the public interest.

Seconded by Councillor Palk

CARRIED

Formal Motion

Councillor Osterstock moved:

- C8442 The meeting be adjourned for 15 minutes and that it resume at 6.20 pm in the Administration Offices, on the corner of Greenhill/Portrush Roads, Tusmore.

Seconded by Councillor Palk

CARRIED

The meeting recommenced in the Administration Offices at 6.20 pm.

Councillor Osterstock moved:

- C8443 *Confidential Resolution.*

Seconded by Councillor Capogreco

TIED

The Mayor used his casting vote in the affirmative and was

CARRIED

A Division was called by Councillor Palk:

In Favour

Councillor Cornish
Councillor Piggott
Councillor Capogreco
Councillor Palk
Councillor Osterstock
Councillor Pocock
Mayor Parkin

Against

Councillor Wilkins
Councillor Monceaux
Councillor Davey
Councillor Bills
Councillor Hasenohr
Councillor Lemon

CARRIED

Councillor Palk moved:

- C8444 That pursuant to Sections 91(7) and (9) of the Local Government Act, 1999, the Council orders that the report and minutes relating to Item 5.1 'Chelsea Cinema Expressions of Interest' Motion on Notice having been considered and dealt with by the Council on a confidential basis under Section 90(2) and (3) (a) and (b) of the Local Government Act, 1999, are to be kept confidential and not available to the public for a period of 24 months from the date of this confidentiality order.

Seconded by Councillor Piggott

CARRIED

Formal Motion

Councillor Palk moved:

- C8445 That the meeting adjourn to the Council Chambers, corner Greenhill and Portrush Roads at 7.05 pm. .

Seconded by Councillor Osterstock

CARRIED

The meeting resumed in the Council Chamber at 7.05 pm.

Chelsea Cinema Expressions of Interest (5.2)

Councillor Osterstock moved:

- C8446
1. That pursuant to Section 90(2) and (3)(a) and (b) of the Local Government Act, 1999, the Council orders that the public be excluded, with the exception of the Chief Executive Officer; General Manager, Corporate & Community Services; Acting General Manager, Planning & Infrastructure; the Manager Facilities; and the Executive Assistant.
 2. Pursuant to Section 90(2) and (3)(d) of the Local Government Act, 1999, the public are excluded on the basis that Council will receive and consider 'Chelsea Cinema Expression of Interest' Motion on Notice and that the Council is satisfied that the principles that the meeting should be conducted in a place open to the public has been outweighed in relation to the matter as it involves the consideration of:
 - 2.1 information that will be received, discussed or considered will involve the unreasonable disclosure of information concerning the personal affairs of one or more of the Applicants; and
 - 2.2 information that will be received, discussed or considered is information the disclosure of which could reasonably be expected to confer an advantage for a person or persons with whom the Council is proposing to conduct business and the disclosure of this information would, on balance, be contrary to the public interest.

Seconded by Councillor Palk

CARRIED

Councillor Pocock left the meeting at 7.58 pm and returned at 7.59 pm.

Councillor Osterstock moved:

1. That Council receive and endorse the Expressions of Interest Assessment and Recommendations Report for the Chelsea Cinema.
2. In accordance with the Request for Expressions of Interest process, that Council nominates Applicant 2 (the Republic Theatres Pty Ltd) and Applicant 4 (the Maras Group) as the Preferred Confirmed Applicants.
3. In accordance with the Request for Expressions of Interest process, that Council enter into negotiations with the Preferred Confirmed Applicants regarding the Chelsea Cinema and Site.

4. That as part of the negotiations with the Preferred Confirmed Applicants, and prior to proceeding to any final decision or entering into any binding contracts, that the following issues be resolved to Council's satisfaction:

Applicant 2:

1. the final form of the development proposal including how this would integrate with and enhance the Chelsea Cinema;
2. car parking;
3. commercial, financial and legal issues relating to the terms of the lease; and
4. such other matters that arise during the course of the negotiations, or otherwise become apparent to the CEO.

Applicant 4:

5. the final form of the development proposal including how this would integrate with and enhance the Chelsea Cinema;
6. car parking;
7. commercial, financial and legal issues relating to the terms of the lease; and
8. such other matters that arise during the course of the negotiations, or otherwise become apparent to the CEO.

Seconded by Councillor Capogreco
Councillor Davey moved an Amendment:

- C8447
1. That Council receive and endorse the Expressions of Interest Assessment and Recommendations Report for the Chelsea Cinema.
 2. In accordance with the Request for Expressions of Interest process, that Council nominates Applicant 2 (the Republic Theatres Pty Ltd) and Applicant 4 (the Maras Group) as the Preferred Confirmed Applicants.
 3. In accordance with the Request for Expressions of Interest process, that Council enter into negotiations with the Preferred Confirmed Applicants regarding the Chelsea Cinema and Site.
 4. That as part of the negotiations with the Preferred Confirmed Applicants, and prior to proceeding to any final decision or entering into any binding contracts, that the CEO report to Council in one month on the following matters:
 1. the final form of the development proposal, showing retention of the interior and exterior Heritage features of the building, appropriate development of the adjoining property and how this would complement, integrate with and enhance the Chelsea Cinema;
 2. car parking;
 3. commercial, including the proposed annual rental payments, financial and legal issues relating to the terms of the lease; and

4. such other matters that arise during the course of the negotiations, or otherwise become apparent to the CEO.

Seconded by Councillor Cornish

CARRIED

Short Term Suspension

Councillor Piggott moved:

C8450 That there be a short term suspension of proceedings for 15 minutes until 8.15 pm.

Seconded by Councillor Monceaux

As the Motion was not carried by 2/3 of the meeting the Motion was

LOST

Councillor Davey's amended motion was put and

CARRIED

A Division was called by Councillor Palk:

In Favour

Councillor Osterstock
Councillor Capogreco
Councillor Lemon
Councillor Pocock
Councillor Piggott
Councillor Davey
Councillor Palk
Councillor Hasenohr
Councillor Cornish

Against

Councillor Monceaux
Councillor Bills
Councillor Wilkins

CARRIED

Councillor Palk moved:

C8451 That pursuant to Sections 91(7) and (9) of the Local Government Act, 1999, the Council orders that the report and minutes relating to Item 5.2 'Chelsea Cinema Expressions of Interest' Motion on Notice having been considered and dealt with by the Council on a confidential basis under Section 90(2) and (3) (a) and (b) of the Local Government Act, 1999, are to be kept confidential and not available to the public for a period of 24 months from the date of this confidentiality order.

Seconded by Councillor Piggott

CARRIED

Councillor Monceaux left the meeting at 8.02 pm and did not return to the meeting.

Closure

The meeting closed at 8.02 pm.