MINUTES OF A SPECIAL MEETING OF THE COUNCIL, CALLED BY HIS WORSHIP THE MAYOR, HELD IN THE COUNCIL CHAMBERS, 1 CASHEL STREET, PASADENA ON TUESDAY, 3 OCTOBER 2000 AT 5.47 PM.

MEMBERSHIP:
His Worship the Mayor (I Brooks) (Chair)

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MINUTES OF A SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, 1 CASHEL STREET, PASADENA ON TUESDAY, 3 OCTOBER 2000 AT 5.47 PM.

MEMBERSHIP:
His Worship the Mayor (I Brooks) (Chair)

PRESENT:
His Worship the Mayor (I Brooks) (Chair)
Crs S Fisher, C Adcock, J Sanderson, H Chennell, E Grimm and R Marshall
Cr R Warren arrived at 5.55 pm following discussion of Item 6.

APOLOGIES:
Nil

LEAVE:
Nil

STAFF IN ATTENDANCE:
Chief Executive Officer, Director Corporate Services, Director Planning and Development and Secretary.

BUSINESS

1. RATIFYING THE DECISIONS OF THE PLANNING AND DEVELOPMENT COMMITTEE OF 1 AUGUST 2000
(Ref: 150.4.50) Ron Malcolm / Richard Bowey (Prepared: 28.9.00)

MOVED Cr Fisher, seconded Cr Sanderson that pursuant to Section 36 of the Local Government Act 1999 and all other enabling powers, it is resolved that all decisions and/or actions or purported decisions and/or actions of the Planning and Development Committee as set out in Minute Nos 4.1 to 7.1 of the meeting of the Planning and Development Committee held on 1 August, 2000 and set out in the Schedule 1 are hereby ratified and confirmed as if each resolution/action was set out seriatim and included in this resolution.

CARRIED
2. RATIFYING THE DECISIONS OF THE SPECIAL COUNCIL MEETING OF 3 AUGUST, 2000 COMMENCING AT 7.07 PM  
(Ref: 150.4.50) Ron Malcolm / Richard Bowey (Prepared: 28.9.00)

Cr Marshall declared he is a Council representative on Centennial Park Board of Management but stayed in the room by virtue of Section 74 of the Local Government Act 1999 (ie no conflict of interest).

MOVED Cr Adcock, seconded Cr Grimm:

(1) That Council thanks the Board and management of Centennial Park for their proposal but Council declines the proposal by Centennial Park to purchase the subject land.

(2) That pursuant to Section 90(2), 90(3)(k), 90(3)(d) and Section 91(7) of the Local Government Act 1999, the Council orders that the report and attachment and minutes relating to Agenda Item No. 1.1 be kept confidential on the basis that it deals with information relating to commercial information of a confidential nature. This resolution will be made public after the matter has been resolved.

(3) That the City of Mitcham endorse “in principle” the key findings contained within the document “Strategic Business Review – Centennial park Cemetery Authority” and thank the authors for their report.

(4) That the City of Mitcham invites the City of Unley to participate in a workshop to include all members and Chief Executive Officers of both Councils, Norm Orchard and Jane Creighton.

(5) That the workshop be held at the City of Mitcham and be facilitated by Ms Natalie Fuller.

(6) That papers for the workshop be prepared jointly by the Chief Executives Officers of both Councils and Norm Orchard of Centennial Park.

(7) That pursuant to Section 90(2) and (3) (c)(d) and (h) and Section 91(7) of the Local Government Act 1999, the Council orders that the report/attachment/statements but not the minutes be kept confidential while Centennial Park is operating, on the basis that it deals with information relating to specialist professional advice or information that could prejudice the commercial position of Council or another party.

CARRIED
3. **RATIFYING THE DECISION OF THE SPECIAL COUNCIL MEETING OF 3 AUGUST, 2000 COMMENCING AT 9.30 PM**  
(Ref: 150.4.50) Ron Malcolm / Richard Bowey (Prepared: 28.9.00)

MOVED Cr Chennell, seconded Cr Fisher that Council adopts Item 6.1 of the Planning & Development Committee Minutes held 1 August 2000, with necessary amendments being made by the Director Planning and Development should there be a positive decision of the Full Court on the Fusco case, and as the PAR’s prepared by the Council and Minister should be withdrawn except for olives remaining non-complying and part 5.2 of the submission remaining.  

**CARRIED**

**CHANGE TO ORDER OF BUSINESS**

*The meeting discussed Item 5 at this point.*

5. **RATIFYING THE DECISIONS OF THE PLANNING AND DEVELOPMENT COMMITTEE OF 5 SEPTEMBER, 2000**  
(Ref: 150.4.50) Ron Malcolm / Richard Bowey (Prepared: 28.9.00)

MOVED Cr Fisher, seconded Cr Grimm:

(1) That pursuant to Section 36 of the Local Government Act 1999 and all other enabling powers it is resolved that all decisions and/or actions or purported decisions and/or actions of the Planning and Development Committee as set out in Minute Nos. 3.2 to 7.1 of the meeting of the Planning and Development held on 1 August, 2000 and set out in the attached Schedule 3 are hereby ratified and confirmed as if each resolution/action was set out seriatim and included in this resolution.

(2) That the application by Bedford Industries to establish a monthly art and craft market at 615 Goodwood Road, Panorama as detailed in Development Application No: 080/458/00 be GRANTED Provisional Development Plan Consent subject to the concurrence of the Development Assessment Commission and the following conditions of consent:-

1. The proposal shall be developed in accordance with the details and plans, relating to Development Application Number 080/458/00 except where varied by the following conditions.

   **Reason:** To ensure the proposal is established in accordance with the plans submitted.

2. All materials stored in the open within the site marked as the area for the display and sale shall be kept in a tidy manner at all times.

   **Reason:** To maintain and enhance the amenity of the locality.

3. The use shall not involve exposure of goods or equipment from any adjacent properties or from a public place of any unsightly matter.
Reason: To limit the effect of the proposal to a level which does not detrimentally affect the amenity or character of the locality.

4. No amplified music shall be played on the site.

NOTE: Advertising displays do not form part of this application and a separate approval is required, should proposed signage constitute development.

NOTE: Temporary food stalls trading within the market shall be constructed and comply with the requirements of the Food Act 1985, Food Hygiene Regulations 1990 and Australian Institute of Environmental Health National Code For Food Vending Vehicles and Temporary Food Premises.

CARRIED

6. TO CONFER IMMUNITY UPON RESTORED MEMBERS OF COUNCIL
(Ref: 150.4.50) Richard Bowey (Prepared: 28.9.00)

MOVED Cr Sanderson, seconded Cr Chennell that pursuant to Section 36 of the Local Government Act 1999 and consequent upon the order of His Honour Judge Bowering, made on 27 September 2000 restoring the following members to their respective offices:-
• Ivan Murray Brooks, Mayor
• Cathryn Ann Hart, Councillor
• Stephen Edward Fisher, Councillor
• John Liddell Sanderson, Councillor
• Nanette Valmai Lawson, Councillor
• Christopher Gellie, Councillor
• Richard Frederick Ostcliffe Warren, Councillor
• Heather Rose Chennell, Councillor
• Elaine Grimm, Councillor
• Robert Kennion Marshall, Councillor

to the extent that the protection conferred upon those members by Section 39 of the Act does not apply, the Council indemnifies each and every one of the said members in respect of any civil liability that attaches to them for an honest act or omission in the purported exercise, performance of discharge of the duties of an elected member of the Council’s powers, functions or duties under the Local Government Act 1999 to any other Act for the period 1 August 2000 up to and including 26 September 2000.

CARRIED

CR WARREN ARRIVED AT THE MEETING AT 5.55 PM FOLLOWING DISCUSSION OF THIS ITEM.
(Ref: 150.4.50) Ron Malcolm / Richard Bowey (Prepared: 28.9.00)

Cr Chennell declared a conflict of interest in this item because of her having an insurable interest in land within Craigburn Farm and left the room by virtue of Section 73 of the Local Government Act 1999.

Cr Grimm declared she is Council’s representative on the Management Committee of the Blackwood Community Recreation Centre but stayed in the room by virtue of Section 74 of the Local Government Act 1999 (ie no conflict of interest).

MOVED Cr Adcock, seconded Cr Sanderson:

(1) That pursuant to Section 36 of the Local Government Act 1999 and all other enabling powers, it is resolved that all decisions and/or actions or purported decisions and/or actions of Council as set out in Minute Nos 1.1 to 15.3 of the meeting of the Council held on 22 August, 2000 and set out in the attached Schedule 2 are hereby ratified and confirmed as if each resolution/action was set out seriatim and included in this resolution

(2) That:

2.1 the Committee recommends to Council that the variations sought for Stage 9 of Craigburn Farm land division be accepted as a minor variation to the existing Approval vide 080/D018/93 and a Certificate of Approval under Section 223(l)(f) of the Real Property Act be issued, subject to completion of the infrastructure works and compliance with relevant conditions set by Council’s Horticultural Consultant and Manager Technical Services, including the realignment of the boundary of Lot 155 to protect 3 substantial trees, and protection of the tree on Lot 161.

2.2 the Committee recommends to Council that the parameters outlined in the letter from Jensen Planning & Design dated 19 July 2000, be adopted as parameters for the Administration to determine whether amendments to future stages of the Craigburn Farm land division proposal can be accepted as minor variations pursuant to the existing consent vide 080/D018/93 or not, except that in (c) the figure 20% be amended to 15%.

2.3 Hills Councillors be informed, within layout plans, of changes to roads or allotment boundaries.

CARRIED

FOLLOWING DISCUSSION OF THIS ITEM, CR CHENNELL WAS READMITTED TO THE MEETING.

CLOSE:

There being no further business, the meeting closed at 5.57 pm.