

CITY OF HOLDFAST BAY

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 28 July 2009 at 7:00pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R D Beh
Councillor	R M Bouchée
Councillor	P N Crutchett
Councillor	J L Deakin
Councillor	L R Fisk
Councillor	P D H Heysen
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
Councillor	A C Norton
Councillor	L van Camp
Chief Executive Officer	J P Lynch
General Manager City Assets	S G Hodge
General Manager City Services	R A Thomas
General Manager Corporate Services	I S Walker
Manager Governance and Policy	P E Aukett
Manager Asset Systems	M Blythe
Manager Works and Environmental Services	M Clarke
Strategic Planner (Policy)	J Gronthos

1. Opening

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

2. Kurna Acknowledgement

With the opening of the meeting His 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

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.

COUNCIL

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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

6. Declaration of Interest

Members were reminded to declare their interest before each item.

7. Confirmation of Minutes

C280709/403 Councillor Heysen moved and Councillor Lonie seconded that the minutes of the Ordinary Meeting of Council held on 14 July 2009 be taken as read and confirmed.

CARRIED

8. Questions by Members

8.1 Without Notice Nil

8.2 With Notice Nil

9. Member's Activity Reports

9.1 Mayoral Report (Report No: 338/09)

Presented for the Information of Members is a summary of my activities for the Month of June 2009.

C280709/404 Councillor Clancy moved and Councillor Huckstepp seconded that the report be received and noted.

CARRIED

9.2 Representatives Report – Australian Local Government Association National General Assembly and Australian Council of Local Government Meetings (Report No: 339/09)

Presented for Members' information are the Representative Reports from Councillors Clancy and Lonie regarding their attendance at the Australian Local Government Association – National General Assembly and the Australian Council of Local Government meeting.

C280709/405 Councillor Heysen moved and Councillor Beh seconded that the representative report from Councillors Clancy and Lonie regarding their attendance at the Australian Local Government Association – National General Assembly and the Australian Council of Local Government meetings be received and noted.

CARRIED

9.3 Community Garden Meeting

Councillor Clancy reported her attendance at a meeting of the community garden.

10. Public Presentations

10.1 Petitions Nil

10.2 Presentations Nil

10.3 Deputations Nil

11. Motions on Notice Nil

12. Adjournment for Permanent Committees to meet

C280709/406 Councillor Beh moved and Councillor Clancy seconded that Council stand adjourned to enable the following committees to meet:

- Economic and Corporate Committee; and
- Environment and Engineering Committee

CARRIED

13. Economic and Corporate Committee

14. Environment and Engineering Committee

15. Resumption

C280709/407 Councillor Lonie moved and Councillor Clancy seconded that Council resume at 7.15pm.

CARRIED

16. Minutes - Economic and Corporate Committee

The Chairperson, Councillor Fisk reported that the Economic and Corporate Committee had met this evening and had processed the business contained in the agenda documents.

C280709/408 Councillor Lonie moved and Councillor Clancy seconded:

- 1. That the report of the Chairman of the Economic and Corporate Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Economic and Corporate Committee be adopted as follows:**

Item in Brief (Report No: 324/09)

These items are presented for the information of Members and do not require a decision.

C280709/408.1 **That the Committee recommends that Report No 324/09 be noted and items of interest discussed.**

Monthly Financial Reports (Report No: 325/09)

This report provides Elected Members with monthly financial reports. It comprises a Funds Statement and a Capital Expenditure Statement for the year-

to-date compared with the 2008/09 budget.

C280709/408.2 That the Committee recommends that Report No: 325/09 be received and noted.

Carry Forward Expenditure (Report No: 326/09)

At its meeting on 14 July 2009, Council resolved to adjourn consideration of a motion moved by Councillor Crutchett and seconded by Councillor Norton until the next meeting when Administration is able to provide a comprehensive report on monies carried forward for 2009/10.

The matter is now presented to the Committee for recommendation to Council.

C280709/408.3 That:

- 1. The Committee recommends that the adjourned motion be reconsidered.**
- 2. The Committee recommends that uncommitted capital expenditure of \$1,229,893 and uncommitted operating expenditure of \$78,807 be carried forward from 2008/09 to the 2009/10 budget.**

CARRIED

17. Minutes – Environment and Engineering Committee

The Chairperson, Councillor Deakin reported that the Environment and Engineering Committee had met this evening and had processed the business contained in the agenda documents.

C280709/409 That:

- 1. The report of the Chairman of the Environment and Engineering Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. The recommendations of the Environment and Engineering Committee be adopted as follows:**

Items in Brief (Report No: 342/09)

Report No: 342/09 was presented detailing items which were presented for the information of Members.

C280709/409.1 That the Committee recommends that the report be noted and items of interest be discussed.

Community Land Management Plan – Business Facilities (Report No: 343/09)

Council has a number of land holdings used primarily for car parking and commercial and business purposes. These holdings have been on the exempt register and have previously not been held as community land.

Council now require that these holdings be incorporated as community land, but still predominantly be used for car parking and commercial and business purposes, which assists Council in generating alternative income sources separate from rates income and could be an integral part of Councils future financial planning.

This report sets out an additional but alternative Community Land Management Plan (CLMP) for several Council owned properties (as Attachment 1), known as a Business Facility Land Management Plan, which would allow a similar range of business and commercial activities to occur on this land to those currently in

existence, with the added benefit of maintaining a Community Land status for the land. All would be subject to a community consultation process.

C280709/409.2

That:

- 1. The report is received and that Council adopts, in principle, the Business Facility Community Land Management Plan.**
- 2. Community Consultation required under the Local Government Act, regarding community land commence as soon as possible.**
- 3. Administration reports further with the results of the Community Consultation process.**
- 4. The plan to include the Elizabeth Street Carpark opportunities to develop residences above the deck Carpark.**

St Jude's Cemetery – Revocation of Portion of Community Land Occupied by Clergy House (Report No: 344/09)

St Jude's Clergy House is located on land owned by the City of Holdfast Bay. Administration staff from St Jude's have now approached Council to purchase the land occupied by the Clergy House. However, to enable the sale of the land, Council is required to revoke a portion of the Community Land status of the St Jude's Church / Cemetery allotment. Council has now completed its obligation under the Local Government Act with regard to community feedback on the potential revocation and subsequent sale of the land. No feedback was received and the Council may now seek endorsement from the Minister for Local Government to have the portion of land revoked from Community Land status.

C280709/409.3

Councillor Norton moved and Councillor Deakin seconded that the Committee recommends that Council seeks endorsement from the Minister for Local Government to have the land occupied by the Clergy House at St Jude's Cemetery revoked from Community Land status.

C280709/409.4

Councillor Deakin moved and Councillor Norton seconded that in any subsequent sale negotiations, Administration investigate a land swap to formalise entry to Council's cemetery.

25 Moseley Street, Glenelg – Revocation Community Land (Report No: 345/09)

The City of Holdfast Bay purchased the land occupied by the former Trinity Church at 25 Moseley Street, Glenelg in 2008. Council had not determined its ultimate use prior to the acquisition. Council has now resolved to pursue the use of the land for the purposes of a Community Centre. When Council adopted its Community Land Register in 2002, all Community Centres were excluded from Community Land to facilitate a greater level of certainty and flexibility to redevelop these community facilities if and when required.

As Council had not determined the future use of the former Trinity Church land prior to purchase, it did not declare its intention to exclude the land from the Community Land Register prior to the purchase. Consequently the site is by default part of Council's Community Land.

As Council now wishes to redevelop the land for the purposes of a Community Centre, it is appropriate to revoke the Community Land status of the site. Administration has undertaken Community Consultation to facilitate the Community Land revocation process. Council has now completed its obligation under the Local Government Act with regard to community feedback on the potential revocation of the land. Feedback was received from one person (attachment 1) which was of a positive nature. If Council is satisfied that the feedback is not detrimental to the proposed use of the land Council may now seek endorsement from the Minister for Local Government to have the land

revoked from Community Land status.

C280709/409.5 That the Committee recommends that Council seeks endorsement from the Minister for Local Government to have the land at 25 Moseley Street, Glenelg (as shown as Figure 1) revoked from Community Land status.

Significant Tree Removal - 14 Arundel Rd, Brighton (Report No: 346/09)

Due to issues of risk, Council is requested to consider removal of one significant street tree at 14 Arundel Road, Brighton. The 5-6m high mature *Agonis flexuosa* is significant under the Development Act 1993.

C280709/409.6

That:

- 1. Subject to all necessary consents, due to its poor condition, the *Agonis flexuosa* (Willow Myrtle) at 14 Arundel Road, Brighton be removed with costs to be met by Council.**
- 2. A replacement street tree, *Agonis flexuosa* (Willow Myrtle) (the current nominated Street Tree Strategy species) be planted with costs to be met by Council.**

Significant Tree Removal - 7 Burke Street, Seacliff Park (Report No: 347/09)

Council is requested to consider removal of one significant street tree at 7 Burke Street, Seacliff Park. The 5m high mature *Agonis flexuosa* is significant under the Development Act 1993 and is not compliant with the Street Tree Strategy.

C280709/409.7

That:

- 1. Subject to all necessary consents, due to its poor condition, the *Agonis flexuosa* (Willow Myrtle) at 7 Burke Street, Seacliff Park be removed with costs to be met by Council.**
- 2. A replacement street tree, *Callistemon Harkness* Gawler Bottlebrush (the current nominated Street Tree Strategy species) be planted with costs to be met by Council.**

CARRIED

18. Reports of Committees, Subsidiaries and Development Assessment Panel

- 18.1 Information Report – Southern Region Waste Resource Authority – July 2009 (Report No: 331/09)

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.

Pursuant to its charter all agendas, reports and minutes remain confidential, unless the Board resolves that the document is to be available to the public. Presented for the information of Elected Members’ is the information which the SRWRA Board has released from its meeting held on 6 July 2009.

Councillor Bouchée declared an interest in the following matter as she is a member of the Southern Region Waste Resource Authority.

C280709/410 Councillor Clancy moved and Councillor Lonie seconded that information reports of the Southern Region Waste Resource Authority for its meetings held 6 July 2009 be received and noted.

CARRIED

18.2 Minutes – Events Advisory Committee, 21 July 2009 (Report No: 341/09)

The Events Advisory Committee was established to:

- Advise Council on recommendations for Council Expenditure prior to the annual budget cycle.
- Foster and encourage resident focussed events.
- Seek partnerships to develop new community events.
- Provide advice when required regarding Council's major Civic Events.
- Evaluate events at their completion and make recommendations to Council if required.

The minutes of the Events Advisory Committee meeting held 21 July 2009, are attached and submitted to Council for information and endorsement , noting in particular the Committee's recommendations presented below for endorsement.

C280709/411 Councillor Looker moved and Councillor Crutchett seconded that the minutes of the Events Advisory Committee be received and the recommendation numbered 1 endorsed by Council:

Proclamation Day (Report No. 328/09)

1. That the Events Advisory Committee recommends to Council that :
 1. The Adjourned Item - Proclamation Day be put back on the Council agenda, prior to receipt of correspondence from the Premier's Office.
 2. That Administration arrange for the local service clubs to provide a BBQ and Sausage Sizzle plus a cold collation laid out al fresco style under the gum trees at the Old Gum Tree instead of at Partridge House, immediately following the event – so as to replicate “the first acts of the infant colony – that of eating and drinking”.
 3. Administration contact the Brighton Secondary School Music Department regarding the availability of a string quartet to perform at the reception.

CARRIED

Voted For
 R A Clancy
 P N Crutchett
 L R Fisk
 P D H Heysen
 S C Lonie
 T D Looker
 A C Norton
 L van Camp

Voted Against
 R D Beh
 R M Bouchée
 J L Deakin
 J D Huckstepp

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C280709/412 Councillor Looker moved and Councillor Crutchett seconded that the minutes of the Events Advisory Committee be received and the

recommendations numbered 2 and 3 endorsed by Council:

Australia Day

2. That the Australia Day Event be unchanged for 2010 and be held on Brian Nadilo Ngutinilla Reserve, Glenelg.

Community Events Forum Update

3. That the Events Advisory Committee recommends to Council that:
 1. The update on the Community Events Forum outcomes be noted.
 2. The Events Advisory Committee seeks the development of a Draft Events Strategic Plan for discussion and subsequent community consultation.

CARRIED

19. Reports by Officers

- 19.1 Adjourned Item [314/09] –Review of Items held in Confidence (Report No: 330/09)

Council at its meeting held on 14 July 2009 resolved to adjourn consideration of Report No: 314/09 until its meeting to be held on 28 July 2009, and sought further information for Members' consideration.

The matter is now presented for further consideration.

C280709/413

Councillor Looker moved and Councillor Heysen seconded:

1. That the report be received and the adjourned item [314/09] Review of Items held in Confidence be reconsidered
2. That the Confidential Items presented at Attachment 2 to Report No 314/09 be released from Confidence.

CARRIED

Councillor Huckstepp left the Chamber at 8:00 pm

Councillor Huckstepp returned to the Chamber at 8.02 pm

- 19.2 Items in Brief (Report No: 334/09)

Report No: 334/09 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C280709/414

Councillor Lonie moved and Councillor Looker seconded that the report be noted and items of interest be discussed.

CARRIED

- 19.3 Elected Member Training Request – Council Subsidiary Board Member Training (Report No: 337/09)

Elected Members have expressed an interest in attending the Council Subsidiary Board Member Training course to be held by the Local Government Association on 24 August 2009.

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C280709/415 **Councillor Norton moved and Councillor Clancy seconded that Council approves the attendance of Councillor Crutchett at the Council Subsidiary Board Member Training being held on 24 August 2009 at Local Government House.**

CARRIED

19.4 Local Government Finance Authority Annual General Meeting (Report No: 335/09)

The Local Government Finance Authority will hold its Annual General Meeting on Friday 30 October 2009 and has asked Council to advise of its representative to attend (if any).

C280709/416 **Councillor Looker moved and Councillor Clancy seconded that Council appoints Mr Ian Walker as Council's representative at the Annual General Meeting of the Local Government Finance Authority to be held on 30 October 2009.**

CARRIED

19.5 Council Position on Private Structures within the Brighton Caravan Park & Holiday Village (Report No: 336/09)

The Brighton Caravan Park & Holiday Village represents a significant Council asset and popular tourism destination for our community and visitors. As a result of its popularity, the Park can contain a number of occupants at any one time including temporary and longer-term uses. Over-time the Park's longer term occupants have sought to make minor improvements on their specific sub-lease holdings.

While this practice has occurred over a period of years, it is now considered timely to review this approach given the establishment of Council's Caravan Park Advisory Committee which has been tasked to examine and advise Council on future development/improvements to the site to ensure its long term sustainability. The purpose of this report is to seek Council's position on the construction of private development, including annex structures, within the Caravan Park while the future long-term development of the facility is being considered by Council.

C280709/417 **Councillor Deakin moved and Councillor Beh seconded:**

- 1. That Council impose a moratorium on all private development within the Brighton Caravan Park & Holiday Village until such time as Council has fully considered and approved its long-term directions for future improvements/developments to the Caravan Park Facility.**
- 2. That Council seek a report and recommendations from its Building Fire Safety Committee on how the existing structures comply with the Building Code of Australia for fire safety provisions within the Brighton Caravan Park & Holiday Village.**

CARRIED

Councillor Fisk left the Chamber at 8:06 pm

Councillor Fisk returned to the Chamber at 8:09 pm

20. Resolutions subject to formal motions

Presented for the information of Members is a listing of resolutions subject to formal resolutions to adjourn or lay on the table items of Council business, for the current term of Council.

C280709/418 Councillor Heysen moved and Councillor Looker seconded that the listing dated 28 July 2009 be received and noted.

CARRIED

21. Urgent Business – Subject to the Leave of the Meeting Nil

22. Items in Confidence

22.1 Adjourned Item – [292/09] Coast Park Consult and Design Project – Seacliff to Kingston Park – Tender Evaluation and Budgetary Consideration (Report No: 329/09)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker
Mr M Blythe, Mr M Clarke, Mr J Gronthos and Ms P Aukett

Councillor van Camp declared an interest in Item 22.1 due to her employment and left the chamber at 8.11 pm.

C280709/419 Councillor Heysen moved and Councillor Lonie seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Adjourned Item – [292/09] Coast Park Consult and Design Project – Seacliff to Kingston Park – Tender Evaluation and Budgetary Consideration (Report No: 329/09)

Order to Retain Documents in Confidence

C280709/421 Councillor Heysen moved and Councillor Beh seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. **The Council orders that the documents and minutes relating to Report No: 329/09 with the exception of Resolution No: C280709/419 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:**
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or

proposing to conduct, business, or to prejudice the commercial position of the council; and

- (ii) would, on balance, be contrary to the public interest under Section 90(2) and 90(3)(b) of the Act

2. This resolution will be reviewed on or before 30 June 2010 by the Council.

CARRIED

A Division was called.

Voted For

R D Beh
R A Clancy
P N Crutchett
L R Fisk
P D H Heysen
J D Huckstepp
S C Lonie
T D Looker
A C Norton
L van Camp

Voted Against

R M Bouchée
J L Deakin

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Councillor van Camp returned to the chamber at 8:25 pm.

22.2 Visitor Information Services (Report No: 332/09)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker, Mr M Blythe, Mr M Clarke, Mr J Gronthos and Ms P Aukett

C280709/422

Councillor Beh moved and Councillor Lonie seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Visitor Information Services (Report No: 332/09)

Order to Retain Documents in Confidence

C280709/424

Councillor Beh moved and Councillor Lonie seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to

Report No: 332/09 with the exception of Resolution No: C280709/422 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest under Section 90(2) and 90(3)(b) of the Act

2. This resolution will be reviewed on or before 30 June 2010 by the Council.

CARRIED

22.3 Visitor Information Centre / Dolphins Café (Report No: 333/09)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker
Mr M Blyth, Mr M Clarke, Mr J Gronthos and Ms P Aukett

C280709/425

Councillor Beh moved and Councillor Fisk seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Visitor Information Centre / Dolphins Café (Report No: 333/09)

Order to Retain Documents in Confidence

C280709/427

Councillor Beh moved and Councillor Heysen seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 333/09 with the exception of Resolution No: C280709/425 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest

under Section 90(2) and 90(3)(b) of the Act

2. This resolution will be reviewed on or before 30 June 2010 by the Council.

CARRIED

22.4 Glenelg Football Club: Signage and Other Matters (Report No: 340/09)

C280709/428

Councillor Clancy moved and Councillor Beh seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Glenelg Football Club: Signage and Other Matters (Report No: 340/09)

Order to Retain Documents in Confidence

C280709/430

Councillor Heysen moved and Councillor Clancy seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 340/09 with the exception of Resolution No: C280709/428 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest under Section 90(2) and 90(3)(b) of the Act
2. This resolution will be reviewed on or before 30 June 2010 by the Council.

CARRIED

23. Resumption

C280709/431

Councillor Heysen moved and Councillor Clancy seconded that Council resume as an open meeting of Council at 8. 54 pm.

CARRIED

24. Closure

The Meeting closed at 8:54 pm.

COUNCIL

3496

28.07.2009

CONFIRMED Tuesday 11 August 2009

MAYOR

