

**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 11 December 2012 at 7:03pm.**

**MEMBERS PRESENT**

His Worship the Mayor, AK Rollond  
Deputy Mayor, RA Clancy  
Councillor RM Bouchée  
Councillor PW Dixon  
Councillor KM Donaldson  
Councillor LR Fisk  
Councillor JD Huckstepp  
Councillor SC Lonie  
Councillor TD Looker  
Councillor S Patterson  
Councillor RC Patton  
Councillor AP Roe

**STAFF IN ATTENDANCE**

Chief Executive Officer - JP Lynch  
General Manager City Assets - SG Hodge  
General Manager City Services - RA Cooper  
General Manager Corporate Services - IS Walker  
Manager Organisational Sustainability – PE Aukett

**1. OPENING**

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

**2. KAURNA ACKNOWLEDGEMENT**

With the opening of the meeting His 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**

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.

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 - Councillor LJ Yates

4.2 Absent – Nil

**5. ITEMS PRESENTED TO COUNCIL**

His Worship the Mayor thanked Members for his get well wishes.

**6. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**7. CONFIRMATION OF MINUTES**

**Motion**

**C111212/752**

**That the minutes of the Ordinary Meeting of Council held on 27 November 2012 be taken as read and confirmed.**

Moved by Councillor Clancy, Seconded by Councillor Huckstepp

**Carried**

**8. QUESTIONS BY MEMBERS**

**8.1 Without Notice**

**8.1.1 Councillor Bouchée – Development Assessment Panel**

Councillor Bouchée asked if the Council's Development Assessment Panel can hear Category 1 2 and 3 applications.

**The General Manager City Services, Ms R Cooper provided a response.**

Councillor Bouchée asked where are they minuted the decisions of Category 1 applications available.

**The General Manager City Services, Ms R Cooper provided a response.**

**8.1.2 Councillor Bouchée – Jet Skis**

Councillor Bouchée asked a question regarding the number of jet skis along the beach and in the marina and if Council enforces the By-law.

**The General Manager City Assets, Mr S Hodge provided a response.**

Councillor Bouchée asked if it is possible to notify jet ski owners who keep their watercraft in the Marina of the By-law.

**The General Manager City Assets, Mr S Hodge provided a response.**

**8.1.3 Councillor Fisk – Shipping Container Adjacent to the Glenelg Surf Life Saving Club**

Councillor Fisk asked a question regarding the Shipping Container Adjacent to the Glenelg Surf Life Saving Club.

**The General Manager City Assets, Mr S Hodge provided a response.**

8.2 **With Notice - Nil**

**9. MEMBER'S ACTIVITY REPORTS**

9.1 Corvette Memorial Service

Councillor Huckstepp reported that he attended the Corvette Memorial service on 2 December 2012.

9.2 Launch of VacSwim Program

Councillor Patton reported that he attended the launch of VacSwim program for the 2012/2013 season.

**10. PUBLIC PRESENTATIONS**

10.1 **Petitions**

10.1.1 Petition – Businesses and Locals In Support of a Shark Barrier and Swimming Enclosure at Glenelg Beach (Report No: 527/12)

*A petition has been received from 46 residents of South Australia requesting that Council makes swimming safer at the Bay by taking whatever action needs to be taken to protect our swimmers and to encourage people to frequent Glenelg.*

**Motion**

**C111212/753**

**That the petition be received by Council and referred to the appropriate department for a response.**

Moved Councillor Looker, Seconded Councillor Lonie

**Carried**

10.2 **Presentation**

10.2.1 **Presentations to Jetty Road Mainstreet Management Committee Members**

His Worship the Mayor made presentations to retiring members of the Jetty Road Mainstreet Management Committee, Rev Bruce Grindlay, Ms Sharon LaPira and Mr Dave Foy.

His Worship the Mayor thanked all of the retiring members for their service to the Jetty Road Mainstreet Management Committee.

10.2.2 **Adelaide Living Beaches Project**

Mr Rob Tucker made a 10 minute presentation to Council regarding the Adelaide Living Beaches Project and how the pipes on the Glenelg Jetty will be covered.

**Motion**

**C111212/754**

**That Council accepts the design as presented to Council on 11 December 2012 by Mr Rob Tucker from Adelaide Living Beaches.**

Moved Councillor Bouchée, Seconded Councillor Fisk

**Carried**

10.3 **Deputations - Nil**

**11. MOTIONS ON NOTICE**

11.1 **Motion on Notice – Policy Implementation to Express Community Views Following Community Consultation – Councillor Fisk (Report No: 530/12)**

**Motion**

**The Council of the City of Holdfast Bay should ensure that any policy implementation that follows community consultation on an issue is consistent with the majority views expressed by members of our community and ratepayers in that consultation.**

Moved Councillor Fisk, Seconded Councillor Bouchee

**Lost**

**Division called**

**A division was called:**

Those voting for: Councillors Fisk, Bouchée and Donaldson (3)

Those voting against: Councillors Patton, Dixon, Patterson, Looker, Clancy, Lonie, Roe and Huckstepp (8).

His Worship the Mayor declared the motion

**Lost**

Councillor Clancy left the chamber at 7.49pm.

**BACKGROUND**

It has recently become apparent that the majority view expressed from community consultation is either being ignored or, deliberately negated by the policy positions being recommended to Council, as was most recently demonstrated in the issue over the Patawalonga.

Any community consultation costs many thousands of dollars and creates significant community expectation that it is being undertaken in good faith. If we undertake community consultation we must be prepared to abide by the majority opinion being expressed or, correctly recognize that we will be viewed as a dictatorship ignoring democratic expressions of public will. Further, if we so badly frame a question for consultation that there is a likelihood that one group predominates the response or, most people are so apathetic to the issue that

the supposed 'silent majority' do not respond, it is at best hypocritical to assert that the will of the majority should not be heard, and, at worst, a reasonable person could construe the Council to be acting in bad faith.

As a Council, we are repeatedly stating that all our actions are transparent and the recommendations to Council are properly what the community needs and wants.

The Act, at section 59 1)b) requires Councillors to represent the interests of the community and to provide leadership. At times it is proper and desirable to seek views on a proposal or, where the legislation requires that step. But it reflects badly upon this Council, and therefore on the administration, if the recommendations and the final Council decision is diametrically opposed to the majority views expressed by the consultation. Where the majority opinion expressed is at 70% or, above, of the opinions submitted, there cannot be doubt or, any reasonable possibility of misinterpretation.

If the result of consultation is not what was expected it is poor form to suggest that one or, another, group has dominated the consultation as an excuse. Democracy works by views expressed – those who want to express their views. Those who do not want to express their views live with what the majority decide. Do not blame those who express a view for what some might consider to be a bad result: examine the question being asked in the consultation, because the question is most probably both sloppy and lazy.

This is an issue where the Holdfast Bay Council can either demonstrate the Community leadership required of it under the Act or, demonstrate that it is just another tier of government that acts in bad faith, says one thing and does the opposite after it is elected and therefore cannot be trusted.

Every Councillor should ask themselves the fundamental and democratic question: how do they feel about a politician who not only ignores the clear expressed will of the community, but who acts in direct contravention of that majority expressed view? Untrustworthy?

#### **ADMINISTRATION COMMENT**

The Council of the City of Holdfast Bay should ensure that any policy implementation that follows community consultation on an issue is consistent with the majority views expressed by members of our community and ratepayers in that consultation.

Public participation encompasses five levels of participation, ranging from Inform, Consult, Involve, through to Collaborate and Empower. The second phase, Consult will be discussed. The IAP2 defines Consult as "*obtaining public feedback on analysis, alternatives and/or decisions*", which is quite a different exercise to Involve, Collaborate and Empower.

When considering certain decisions or policy advice, Council seeks input from the community so that the views and opinions of the community can be taken into account. The method used to capture these views is via community consultation. By consulting with community members, Council in no means

guarantees consensus with the findings. In fact, consultation is just one step in many when considering a policy position. In the case of the recent report regarding the Patawalonga, this process involved eight steps and consultation was just one.

As Elected Members, the final decision making lies here and not with Administration. When considering a Council recommendation, Administration takes into account the varying circumstances surrounding a particular issue. As mentioned above, consultation is just one step of many. It should also be noted that the average number of community members who have participated in consultation on 2012 is 71, which is only 0.19% of the population of the City of Holdfast Bay.

11.2 **Motion on Notice – Rescission of Advising of Approval of Category 1 Planning Application and Demolition of Existing Residential Structure – Councillor Looker (Report No: 532/12)**

Councillor Clancy rejoined the chamber at 7.50pm.

**Motion**

**C111212/755**

***That resolution C271112/731, That the Chief Executive Officer initiates that following approval of a Category 1 Planning Application and demolition of existing residential structure, administration send written advice to adjoining properties of the decision and include the developers contact details are included for contact be rescinded.***

Moved Councillor Looker, Seconded Councillor Clancy

**Carried**

**Division called**

A division was called:

Those voting for: Councillors Patton, Dixon, Looker, Clancy, Donaldson, Lone, Roe and Huckstepp (8)

Those voting against: Councillors Fisk, Bouchée and Patterson (3).

His Worship the Mayor declared the motion

**Carried**

Councillor Dixon left the chamber at 8.13pm.

**Motion**

**C111212/756**

**That a condition in the development approval be applied to the applicant to place a sign outside the property two weeks prior to demolition.**

Moved Councillor Clancy, Seconded Councillor Patton

**Carried**

Councillor Dixon rejoined the chamber 8.15pm.

**Division called**

**A division was called:**

Those voting for: Councillors Fisk, Patton, Dixon, Bouchée, Patterson, Looker, Clancy, Lonie, Roe and Huckstepp (11)

Those voting against:

His Worship the Mayor declared the motion

**Carried**

### **BACKGROUND**

At the Council meeting 27 November 2012 council resolved to send letters to residents who live nearby demolition approvals. These letters are described as 'informal notifications'. Prior to the vote on this matter the Mayor prevented the Manager Development Service from providing an answer to a question seeking clarification of the legal status of the motion. The Mayor's own answer had the effect of misleading council and denying it relevant information that may have affected the decision.

The resolution of council to proceed with sending out 'informal notifications' has serious consequences under law and is viewed in a very poor light by the court.

In essence, with respect to councils distributing informal notifications, whether during or post decision, the Environment, Resources and Development (ERD) Court has been highly critical of the consequences that such actions bring. In the matter of *Agostino v City of Charles Sturt* (Judgment No OE497 14 July 1998) Her Honour Judge Trenorden (ex tempore) said:

*"Unfortunately, the Council also processed it as what it refers to as a D4 or "informal notification" type of development. I am familiar with the fact that some Councils do informally notify residents in relation to development applications where there is no legislative obligation to do so. Why this Council and others follow that course, I do not know. Presumably it is in the perceived community interest. Certainly, it does create a lot of misunderstanding and confusion which we see in this Court. Given that the Act and the Regulations provide for three categories of development, two of which require public notification, I am somewhat at a loss to understand why Councils insist on adding their own informal categories. It was not incumbent on Council to notify anybody of the proposed development."*

Further, in the matter of *Southern Eco Alliance v City of Onkaparinga* (Judgement No. SAERDC 48 7 June 2005) Her Honour Judge Trenorden (ex tempore) said:

*"The Court called the parties before it this morning because of a concern that the purported appellant, Southern Eco Alliance Incorporated had no right of appeal to this Court and the Court therefore had no jurisdiction to hear an appeal by that person against the decision of the City of Onkaparinga. The Court has been informed that the decision the subject of the purported appeal was made in relation to an application that was considered and treated by the Council as a Category 1 application. That being the case, the purported appellant had no right or entitlement under s 38 of the Development Act 1993 to receive notice of the decision and, therefore, has no right to appeal to this Court against the decision. In a case such as this where, as I have already said, the development the subject of the decision purportedly appealed from was a Category 1*

*development, not a Category 3 development, and the purported appellant was not a person entitled to be given notice of the decision of the relevant authority.”*

These are just two examples where informal notifications issued by councils (during and post assessment) have solicited opposition to the proposals.

The Development Act is very clear, in that where a council’s Development Plan prescribes a kind of development which in the opinion of the relevant authority is of a minor nature and is unlikely to be the subject of reasonable objection (e.g. demolition) from the owners and occupiers of land in the locality, then the council must not provide notification on any level (including the decision notification). Where notification is provided, then it can be reasonably assumed by the recipient that the development is not of a minor nature and likely to be the subject of reasonable objection.

Any person who receives notice of a decision notification is entitled to the same rights as all other persons who receive notice of a decision notification, including appeal rights to the ERD Court (notwithstanding that such appeals are invalid). Natural justice would suggest that where a council feels so compelled to alert an adjacent resident of a development application (with consequences implied), then the adjacent resident is entitled to feel that they should have some involvement in the process (where under law they in fact do not).

The law was changed in 2009 to prevent councils from implementing informal notification policies (once again, at any stage of the development process). The Council is now required to delegated all of its powers under the Development Act, 1993 and Regulations thereof to the Development Assessment Panel and CEO, and perhaps should not be making decisions for which it has no delegation (e.g. expanding the prescribed parameters of notification associated with Category 1 development under s 38 of the Development Act, or interfering with the defence of appeals for that matter)

Whilst the idea of advising residents of an impending demolition has superficial appeal, it is excluded by law and Council must rescind the decision.

**12. ADJOURNED MATTER - Nil**

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

**13.1 Minutes – Alwyndor Aged Care – 30 November 2012 (Report No: 521/12)**

The Alwyndor Aged Care Management Committee was established to manage the affairs of Alwyndor Aged Care Facility. The Council has endorsed the Committee’s Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care Facility.

The minutes of the Alwyndor Aged Care Management Committee for November 2012 are provided for information.

**Motion**

**C111212/757**



**That the minutes of the Alwyndor Aged Care Management Committee for November 2012 be noted by Council.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

13.2 **Minutes – Environmental Advisory Committee – 26 November 2012** (Report No: 528/12)

The Minutes of the Environmental Advisory Committee meeting held 26 November 2012 are attached and presented for Councils' information. This meeting included the building management system being funded by the HEAT Fund for the Civic Centre, the Eco city Plan 2012-15, 3 year budget and the Greening Our Community Grants.

**Motion**

**C111212/758**

1. **That the minutes of the Environmental Advisory Committee held 26 November 2012 is received and recommendation 6.2 and 6.3 noted.**
2. **That the projects contained in Attachment 1 (see EAC Agenda) form the basis for reducing greenhouse gas emissions (to zero by 2019) and water consumption and supporting the community to apply the same rationale, and that the EAC recommends the Council endorse the 2013/14 and 2014/15 projects based on the Eco City Plan 2012-15 for budget consideration.**

Moved Councillor Lonie, Seconded Councillor Patterson

**Carried**

**14. REPORTS BY OFFICERS**

14.1 **Items in Brief** (Report No: 524/12)

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**

**C111212/759**

**That the report be noted and items of interest discussed.**

Moved Councillor Looker, Seconded Councillor Lonie

**Carried**

Councillor Lonie left the chamber at 8.22pm.

Councillor Lonie rejoined the chamber at 8.24pm.

**Motion**

**That the Kent Street Beach access chains be removed and only blocked off when it becomes unsafe.**

Moved Councillor Patton, Seconded Councillor Fisk

**Lost**

**Division called**

A division was called:

Those voting for: Councillors Fisk, Patton, Bouchée and Donaldson (4)

Those voting against: Councillors Dixon, Patterson, Looker, Clancy, Lonie, Roe and Huckstepp (7).

His Worship the Mayor declared the motion

**Lost**

Councillor Patton left the chamber at 8.52pm.

Councillor Huckstepp left the chamber at 8.53pm.

**14.2 Draft Mandatory Code of Conduct for Council Members – Council Comment  
(Report No: 514/12)**

The proposed Independent Commissioner Against Corruption (ICAC) Bill amends the *Local Government Act 1999* so that a mandatory code of conduct for council members will be made in Regulations and will be common across all Councils.

A draft mandatory code of conduct for Council Members is currently available for comment and feedback. Comments are due to the Office of State/Local Government Relations or the Local Government Association by Friday 21 December 2012.

**Motion**

**C111212/760**

**That Council notes the report and makes a submission to the OSLGR/LGA regarding the comments presented in Attachment 3 and includes any comments made by Elected Members received by 17 December 2012.**

Councillor Patton rejoined the chamber at 8.54pm

Moved Councillor Lonie, Seconded Councillor Looker

**Carried**

**14.3 Brighton Croquet Club – Proposed Alterations (Report No: 515/12)**

The Brighton Croquet Club Incorporated is proposing to install solar panels on its clubrooms located at Stopford Road Hove. The Brighton Croquet Club Incorporated, as lessee, is seeking Council's consent, as land owner, to carry out this work.

**Motion**

**C111212/761**

**That in its capacity as land owner, Council consent to the installation of solar panels on the Brighton Croquet Clubrooms subject to the following conditions;**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

Councillor Roe left the chamber at 8.54pm.

14.4 **Stamford Grand Hotel - Amendment to Community Land Management Plans and Encroachment Licence Agreement with the Grand Hotel (SA) Pty Ltd**  
(Report No: 517/12)

A public consultation process was undertaken from 24 October 2012, for a period of 21 days, to amend the Schedule of the Community Land Management Plan for 'Regional Open Space' to provide a wider use of the land contained within Certificates of Title, Volume 5707 Folio 594, Volume 5397 Folio 508, Volume 6054 Folio 23, otherwise known as the Glenelg Foreshore.

At the same time, the community consultation process addressed the matter of entering into an encroachment permit with Grand Hotels (S.A.) Pty Ltd for a period until 7 March 2032. (Greater than the 5 years and therefore requiring public consultation before any agreement can be reached.

Community support for both proposals was high and this report recommends proceeding with the changes to increase public activation of the foreshore and the vitality that brings to our tourist precinct.

**Motion**

**C111212/762**

1. **That Council note the Community engagement report located in Attachment 1.**
2. **That pursuant to Section 197 of the Local Government Act, 1999, the Schedule of the Community Land Management Plan for 'Regional Open Space' be amended to provide for a variety of leases as detailed in Attachment 2.**
3. **That approval be granted to enter into an Encroachment Licence Agreement, with Grand Hotels (S.A.) Pty Ltd from the date that works commence until 7 March 2032, over portion of the land contained in Certificate of Title, Volume 6054 Folio 23, subject to confirmation of areas, as detailed in Attachment 3.**

Moved Councillor Dixon, Seconded Councillor Fisk

**Carried**

14.5 **Monthly Financial Report** (Report No: 518/12)

Attached are financial reports as at 31 October 2012. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care.

**Motion**

**C111212/763**

**That Council receives the financial reports to 31 October 2012 and notes:**

1. **Municipal Activities**
  - **a projected operating deficit for 2012/13 of \$1.055 million (compared to an operating surplus of \$29,000 in the original budget)**

- an increased projected capital expenditure for 2012/13 of \$9.851 million (compared to \$5.938 million in the original budget)
- a projected funding requirement for 2012/13 of \$1.685 million (compared to \$2.312 million in the original budget)

## 2. Alwyndor Aged Care

- a projected operating surplus for 2012/13 of \$712,000 (compared to an operating surplus of \$409,000 in the original budget)
- an unchanged projected capital expenditure for 2012/13 of \$6.412 million
- a projected funding requirement for 2012/13 of \$5.075 million (compared to \$5.376 million in the original budget)

Councillor Huckstepp rejoined the chamber at 8.57pm.

Councillor Donaldson left the chamber at 8.57pm.

Councillor Roe rejoined the chamber at 8.58pm.

Moved Councillor Bouchee, Seconded Councillor Looker

**Carried**

Councillor Donaldson rejoined the chamber at 8.59pm.

### 14.6 **Memorandum of Understanding with Minda Inc for Preparation of Development Plan Amendment** (Report No: 519/12)

Minda Inc has prepared a masterplan for the redevelopment of its land at North Brighton. Minda seeks Council's support for rezoning the land to enable its masterplan to be implemented.

This report recommends that Council reach agreement with Minda, through a Deed of Agreement, about working co-operatively to undertake a Development Plan Amendment (DPA) process to rezone land owned by Minda.

#### **Motion**

**C111212/764**

**That Council resolves to investigate the potential for the Minda Inc land to be used consistently with the Minda masterplan, and if appropriate, to initiate a process to amend the Development Plan, and authorises the Chief Executive Officer to execute a Deed of Agreement with Minda Inc on Council's behalf.**

Moved Councillor Lonie, Seconded Councillor Fisk

**Carried**

### 14.7 **Glenelg North Community Centre – Renewal of Lease** (Report No: 520/12)

The Glenelg Brass Band Incorporated previously held a lease over the premises located at Kibby Reserve, Glenelg North for a period of five years from 1 July 2007 to 30 June 2012 and there was no further option to renew.

The Glenelg Brass Band Incorporated wants to remain in this location and negotiations have been finalised to enter into a lease for two years from 1 November 2012 with a further option to renew for two years from 1 November 2014.

**Motion**

**C111212/765**

**That a new lease, over portion of Kibby Reserve Glenelg North, as detailed in Attachment 1, be granted to the Glenelg Brass Band Incorporated for a period of two years from 1 November 2012, together with an option to renew for a further two years.**

Moved Councillor Patton, Seconded Councillor Bouchee

**Carried**

14.8 **Additional Toilets at Hindmarsh Lane and Angus Neill Reserve (Report No: 525/12)**

This report discusses the replacement of an existing section of the red brick public convenience in Hindmarsh Lane, Glenelg, and the installation of a new uni sex facility (Exeloo) and the future installation of an Exeloo at Angus Neill Reserve, Seacliff.

**Motion**

**C111212/766**

1. **That the installation of an Exeloo Toilet Facility in Hindmarsh Lane, Glenelg be endorsed.**
2. **That the future installation of an Exeloo adjacent to the existing toilet block at Angus Neill Reserve, Seacliff, including the demolition of the existing facility and extension of the car park be endorsed.**

Moved Councillor Clancy, Seconded Councillor Huckstepp

**Carried**

14.9 **Greening Our Community Grants 2012-13 (Report No: 526/12)**

The Greening Our Community Grants are being conducted for a second year as part of the HEAT Fund. Seven applications were received when the assessment panel met on 19 November 2012. Five of the applications were given in principle support by the panel (four subject to additional minor information being supplied), with two requiring additional detailed information before principle support was given. A late application was received on 22 November 2012. After careful and thorough assessment of the additional information supplied and the late application, on 26 November 2012 the Environment Advisory Committee recommended that all eight applicants be approved by Council.

**Motion**

**C111212/767**

**That the Report be received and that Council approves funding for eight 2012-2013 Greening Our Community grant applications.**

Moved Councillor Lonie, Seconded Councillor Donaldson

**Carried**

14.10 **Brighton Caravan Park – Masterplan** (Report No: 529/12)

Council has received a number of reports on the operation and future development of the Brighton Caravan Park over several years. At a recent workshop, information on the existing business model and potential for upgrades and improvements was presented. The next step to further this project is the development of Master Plan along with detailed implementation plans.

**Motion**

**C111212/768**

1. **That Council support the development of a Master Plan for the upgrade and refurbishment of the Brighton Caravan Park based on the business model presented at Attachment 1.**
2. **That a report be presented to Council as early as possible which contains detailed implementation plans for further consideration.**

Moved Councillor Lonie, Seconded Councillor Donaldson

**Carried**

15. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

16. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

16.1 **Kent Street Beach Access Ramp**

**Motion**

**C111212/769**

**That a report be presented on what conditions can the chains on beach access ramps at Kent Street be removed including alternative treatments to improve safety.**

Moved Councillor Patterson, Seconded Councillor Bouchée

**Carried**

**Division called**

A division was called:

Those voting for: Councillors Fisk, Patton, Dixon, Bouchée, Patterson, Clancy, Donaldson, Lonie and Roe (9)

Those voting against: Councillors Looker and Huckstepp (2).

His Worship the Mayor declared the motion

**Carried**

16.2 **Glenelg Brass Band – Solar Panels**

**Motion**

**C111212/770**

That in its capacity as land owner, Council consents to the installation of solar panels on the Glenelg Brass Band room subject to the following conditions:

- All costs to be borne by the Glenelg Brass Band. (The Glenelg Brass Band has applied for a Greening our Community grant to assist with the costs of the project).
- All work to be undertaken by qualified trades persons and in a workman like manner.
- The Glenelg Brass Band to indemnify the City of Holdfast Bay against any claims, losses, suits etc that may arise from this project
- The City of Holdfast Bay is permitted to inspect the works at any time during construction.
- No part of the work is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties.
- The cost(s) to rectify any defects, identified during or after construction to be borne by the Glenelg Brass Band.
- All works comply with the Building Code of Australia, all conditions of any Development Approval and legislation.

Moved Councillor Patton, Seconded Councillor Fisk

**Carried**

## 17. ITEMS IN CONFIDENCE

### 17.1 The Buffalo (Report No: 523/12)

This matter was not considered in confidence.

Mr Finlayson, representing Buffin Pty Ltd, made presentations to Council on 23 October and 27 November 2012 at which three requests were made.

This report discusses each of these options.

#### **Motion**

**C111212/771**

1. Rental relief is granted to Buffin Pty Ltd for a period of 3 months from 1 September to 30 November 2012.
2. A rental of \$60,000 per annum be applied from 1 September 2012, subject to annual indexation in accordance with the Consumer Price Index, All Groups, Adelaide.
3. That 80% of the rental received by Council in each year be put towards a maintenance fund, administered by Council, for external maintenance on the condition that the Buffalo remain on its current site.
4. This arrangement be reviewed in the event the lease is assigned or at the expiration of the current lease.

Moved Councillor Looker, Seconded Councillor Roe

**Carried**

Division called

A division was called:

Those voting for: Councillors Fisk, Patton, Dixon, Bouchée, Patterson, Looker, Donaldson, Lonie and Roe (9)

Those voting against: Councillors Clancy and Huckstepp (2).

His Worship the Mayor declared the motion

**Carried**

**17.2 Broadway Kiosk Update (Report No: 516/12)**

**Motion**

**C111212/772**

1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.
2. That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:
  - i. information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried**

Staff In Attendance: Chief Executive Officer - JP Lynch, General Manager City Assets - SG Hodge, General Manager City Services - RA Cooper, General Manager Corporate Services - IS Walker, Governance Officer – W Matthews.

**Broadway Kiosk Update (Report No: 516/12)**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**Motion**

**C111212/774**

1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 516/12 including:
  - Minutes
  - Report
  - Attachment

relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(i).



2. **This resolution will be reviewed within 12 months by the Council.**

Moved Councillor Lonie, Seconded Councillor Huckstepp

**Carried**

**17.3 Glenelg Football Club (Report No: 531/12)**

**Motion**

**C111212/775**

1. **That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.**
2. **That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:**
  - b. **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 be on balance, be contrary to the public interest.**

Moved Councillor Lonie, Seconded Councillor Fisk

**Carried**

Staff In Attendance: Chief Executive Officer - JP Lynch, General Manager City Assets - SG Hodge, General Manager City Services - RA Cooper, General Manager Corporate Services - IS Walker, Governance Officer – W Matthews.

**Glenelg Football Club (Report No: 531/12)**

**Motion**

**C111212/776**

2. **That Council consents to restructuring its loans to Glenelg Football Club and Glenelg Footballers Club to provide a 24 month interest-only term and consolidated into a single facility provided that there is no financial loss to Council and that the clubs meet Council's costs incurred in re-structuring and documenting the new facility.**

Moved Councillor Bouchee, Seconded Councillor Huckstepp

**Carried**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**Motion**

**C111212/777**

1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 531/12 including:
  - Minutes
  - Report
  - Attachmentrelating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(b).
2. Part 1 of Resolution No: C111212/776 be retained in confidence until the sale is finalized.
- 3 Part 2 of Resolution No: C111212/776 be released from confidence.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

Motion

C111212/778

That the Confidential Attachment presented with Item 14.10 – Brighton Caravan Park (Report No: 529/12) be reviewed so that the items which are not considered Commercial in Confidence are extracted and circulated to Elected Members.

Moved Councillor Bouchée, Seconded Councillor Lonie

Carried

**CLOSURE**

The Meeting closed at 10.18 pm.

**CONFIRMED 22 January 2013**

**MAYOR**