

CITY OF HOLDFAST BAY

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton, on Tuesday 24 January 2006 at 7:00pm.

PRESENT

His Worship the Mayor
Deputy Mayor
Councillors

A K Rollond
R D C Edwards
P N Crutchett
J L Deakin
P W Dixon
J Donaldson
P L Holt
C J Lush
P L Macaskill
A C Norton
D J Swiderczuk
S K Tilley
D G Chamberlain
C A Sheffield
C E Umaphysivam
S L Ditter

Acting Chief Executive Officer
General Manager Environment and Engineering
General Manager Social and Organisation
Executive Manager Strategy and Development

1. OPENING

His Worship the Mayor, declared the meeting open with prayer at 7:00pm.

2. PRESENTATION Nil

3. APOLOGIES

3.1 For Absence Councillor R M Bouchée

3.2 Leave of Absence Nil

4. CONFIRMATION OF MINUTES

Councillor Holt moved and Councillor Edwards seconded that the minutes of the Ordinary Meeting of Council held on Tuesday 10 January 2006 and the Special Meeting of Council held on Wednesday 18 January 2006 be taken as read and confirmed.

CARRIED

5. MAYORAL REPORT

From 16 November 2005 –17 January 2006

Councillor Dixon moved and Councillor Edwards seconded that the report be received and noted.

CARRIED

6. QUESTIONS BY MEMBERS**6.1 Without Notice****6.1.1 Broadway Kiosk**

At the meeting of Council held on 24 January 2006, Councillor Tilley asked the following question;

Has a decision been made by Council to construct and lease to a tenant the Broadway Kiosk, or have a developer construct and run it?

Acting Chief Executive Officer's response.

The Acting Chief Executive Officer took the question on notice for further research as aspects of a suitable response may be of a confidential nature.

6.1.2 Brightly Coloured Wall – Holdfast Quays

At the meeting of Council on 24 January 2006 Councillor Tilley asked the question whether Council had any capacity to act on a complaint by a neighbour about a brightly coloured external wall visible in the vicinity of Holdfast Quays.

The Executive Manager Strategy and Development provided an answer.

6.2 With Notice**6.2.1 Legal Advice**

At the meeting of Council held on 10 January 2006, Councillor Bouchée asked the following question.

Can Elected Members have access to legal advice received in accordance with Council's previous resolutions relating to possible litigation by the Mayor and his wife, given the advice contained in the Chief Executive Officer's memo "Letter from the Mayor" dated 10/1/06 that the Mayor is considering an intention to commence legal action involving Council and Councillors, "jointly and severally"?

The Acting Chief Executive Officer tabled a written response.

C240106/028 Councillor Macaskill moved and Councillor Deakin seconded that the written response tabled by the Acting Chief Executive Officer be included in the minutes.

CARRIED

In response to the question on notice asked by Councillor Bouchée at the meeting of Council held on 10 January 2006, it is our advice that all Members are entitled to access the legal advice provided to Council in accordance with Council's previous resolutions relating to possible litigation by the Mayor and his wife, notwithstanding the threat of future legal action and the use of the terms "jointly and/or severally".

Access in this instance will be provided on a read only basis and Members can arrange inspection of the relevant information with the Chief Executive Officer when it is available.

Members are reminded that a right of access under Section 61 does not eliminate the responsibility to consider both the conflict of interest provisions of Section 73 of the Local Government Act or the general duties set out in Section 62 (3), which provide that:

“A Member must not, ... make improper use of information acquired by virtue of his or her position as a Member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council”.

Furthermore, Members are reminded that Section 251 of the Criminal Law Consolidation Act provides penalties for improper use of information gained by virtue of public office.

7. REPORTS BY DELEGATES OR REPRESENTATIVES Nil

8. PETITIONS AND DEPUTATIONS Nil

9. NOTICES OF MOTION

C240106/029 Councillor Macaskill moved and Councillor Swiderczuk seconded that the Administration prepares a report for Council on the attendance/absence of all Elected Members from May 2003 until and including December 2005. The report to include Council meetings, Committee meetings and external Board and Committees on which elected members serve.

CARRIED

10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(7:11PM)

Councillor Swiderczuk moved and Councillor Deakin seconded that Council stand adjourned to enable the permanent Economic and Corporate and Environment and Engineering Committees to meet.

CARRIED

11. RESUMPTION

Councillor Edwards left the meeting at 9:22pm.

Councillor Lush moved and Councillor Swiderczuk seconded that Council resume at 9:22pm.

CARRIED

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION

12.1 Economic and Corporate Committee

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

Councillor Holt moved and Councillor Donaldson seconded that the report of the Economic and Corporate Committee, the agenda documents and approved recommendations, together with the additional recommendations from the meeting be adopted with the exception of Item 8.13.

CARRIED

Councillor Swiderczuk declared an interest in Item 8.13 of the Economic and Corporate Committee due to his daughter's employment with United Care Wesley and left the meeting at 9:23pm.

Councillor Holt moved and Councillor Donaldson seconded that Item 8.13 of the Economic and Corporate Committee, and its recommendations be adopted.

CARRIED

Councillor Swiderczuk returned to the meeting at 9:24pm.

12.2 Environment and Engineering Committee

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

Councillor Dixon moved and Councillor Macaskill seconded that the report of the Environment and Engineering Committee, the agenda documents and approved recommendations, together with the additional recommendations from the meeting be adopted.

CARRIED

Councillor Edwards returned to the meeting at 9:25pm.

13. DEVELOPMENT ASSESSMENT PANEL

C240106/030 Councillor Holt moved and Councillor Edwards seconded that the minutes of the Development Assessment Panel meeting held on Wednesday 11 January 2006 be received.

CARRIED

14. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES

14.1 Jetty Road Mainstreet Board

Minutes of the Meeting held Wednesday 14 December 2005.

Councillor Tilley moved and Councillor Macaskill seconded that the minutes of the Jetty Road Mainstreet Board held on Wednesday 14 December 2005 be received.

CARRIED

15. REPORTS OF REGIONAL SUBSIDIARIES Nil

16. REPORTS BY OFFICERS

16.1 Items in Brief (Report No: 55/06)

Report No: 55/06 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C240106/031 Councillor Swiderczuk moved and Councillor Lush seconded that the report be noted and items of interest be discussed.

CARRIED

16.2 The Dublin Irish Pub – Liquor Licence Variation (Report No: 56/06)

Report No: 56/06 was presented advising that an application seeking extended trading authorisation and entertainment consent for The Dublin Irish Pub, 11 Moseley Street, Glenelg has been lodged with the Office of the Liquor and Gambling Commissioner.

While certain aspects of the application are considered acceptable, the proposed changes to Sunday (Monday morning) trading are at variance with Council's Liquor Licence Policy and therefore Administration recommends that Council not support this aspect of the licence application.

C240106/032 Councillor Lush moved and Councillor Macaskill seconded:

1. **That the Office of the Liquor and Gambling Commissioner be advised that Council does not object to the proposed trading hours for The Dublin Irish Pub for Good Friday, Christmas Day, Christmas Eve, days preceding Public Holidays and Sundays preceding Public Holidays.**
2. **That the Office of the Liquor and Gambling Commissioner be advised that Council does object to the proposed extension to Sunday trading hours for The Dublin Irish Pub on the basis that:-**
 - **The proposal is at variance with the Council's Liquor Licence Policy; and**
 - **The extension will encourage the movement of patrons between licensed premises in the early hours of the morning, resulting in potential public disturbance, property damage and residential amenity nuisance.**
3. **Should the Office of the Liquor and Gambling Commissioner propose to support the application from The Dublin Irish Pub to extend its trading hours, Administration be authorised to take all necessary steps to oppose any such move.**

CARRIED**16.3 Location of Council Meetings (Report No: 59/06)**

Report No: 59/06 was submitted advising that at its meeting on 26 October 2004, Council resolved to meet in the Kingston Room, Brighton Civic Centre until normal access to the Town Hall at Glenelg was restored in January 2006.

The purpose of this report is to advise that normal access to the Town Hall has not been restored. In addition repairs now required to be carried out to the Town Hall have not yet occurred. It is therefore necessary for Council to continue to hold meetings at Brighton for the immediate future.

C240106/033 Councillor Swiderczuk moved and Councillor Lush seconded:-

1. **That Council continue to meet in the Kingston Room, Brighton Civic Centre until Council resolves that normal access to the Chamber at Glenelg is restored;**
2. **That the decision about a venue for future council meetings be publicised using Council's public noticeboards and its regular column in the Messenger Press.**

CARRIED

LATE ITEM**16.4 Holdfast Shores Stage 2B Land Division Application (Report No: 62/06)**

Report No. 62/06 was presented to Council advising that Council has received advice from Planning SA that the land division and community title application for the Holdfast Shores Stage 2B development has been deferred for consideration by DAC pending a further response from Glenent Pty Ltd regarding the application. The purpose of this report is to inform Council of Glenent's response and to provide a recommendation for Council to forward to Planning SA.

C240106/034 Councillor Holt moved and Councillor Swiderczuk seconded that the Late Item 16.4, Report No. 62/06 be received.

CARRIED

C240106/035 Councillor Lush moved and Councillor Macaskill seconded:

- 1. That Council receives and notes the contents of Report No. 62/06.**
- 2. That Council instructs Griffin Hilditch Lawyers to prepare on its behalf a letter to the Development Assessment Commission based on the contents of Report No. 62/06 and the advice received from Griffin Hilditch Lawyers included as Attachment 3 to Report No. 62/06, and responding to the Norman Waterhouse letter of 20 January 2006 so that proper weight is accorded to Council's submissions already on record and that the fresh submissions of Norman Waterhouse are considered in light of a response from Council.**

CARRIED

A division was called.

Voted For

Voted Against

Councillor Crutchett
Councillor Deakin
Councillor Dixon
Councillor Donaldson
Councillor Edwards
Councillor Holt
Councillor Lush
Councillor Macaskill
Councillor Norton
Councillor Swiderczuk
Councillor Tilley

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

17. URGENT BUSINESS**17.1 Leave of Absence – Councillor Donaldson**

C240106/036 Councillor Deakin moved and Councillor Macaskill seconded that Leave of Absence be granted to Councillor Donaldson for the period 13 – 22 February 2006.

CARRIED

17.2 Leave of Absence – Mayor Rollond

**C240106/037 Councillor Macaskill moved and Councillor Donaldson seconded that Leave of Absence be granted to Mayor Rollond for the period 4 – 20 February 2006.
CARRIED**

18. CLOSURE

The meeting closed at 9:35pm.

CONFIRMED Tuesday 14 February 2006

DEPUTY MAYOR